

**Memories; my seventy-two years in the romantic county
of Yuba, California, by W.T. Ellis; with an introduction
by Richard Belcher**

MEMORIES

MY SEVENTY-TWO YEARS IN THE

ROMANTIC COUNTY

OF YUBA

CALIFORNIA

BY

W. T. ELLIS

WITH AN INTRODUCTION BY RICHARD BELCHER

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DEDICATED TO

MY OLD HOME TOWN

MARYSVILLE

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PREFACE

ABOUT nine months ago, my friend Frank Nickey, loaned me a book to read, saying, "Here is a book which may interest you, it has considerable to say about Marysville in early days." The book was entitled, MY SEVENTY YEARS IN CALIFORNIA, the author, being Mr. J. A. Graves, President of the Farmers and Mechanics Bank in Los Angeles. Mr. Graves told of his experiences in California, his family having lived at various places in the State, at one time in Marysville, and he mentioned many old pioneer residents of Marysville, many of whom I had known personally. The thought came to me, why not a book entitled my SEVENTY-TWO YEARS IN YUBA COUNTY, particularly with the idea of embodying a record of a lot of accumulated data in connection with

flood control, levee construction, hydraulic mining litigation, river records, etc., a large amount of which I have been accumulating in my office for many years and most of which, I was quite confident, no one but myself has.

There is a saying, that, "when a person gets old, he lives in the past," and as a result of this "thought," for the last nine months, I have been living in the past and at odd times have been "punching out" on my typewriter, my "memories," as contained herein. It has been a comparatively easy task for the reason that, besides having this xii accumulated data, mentioned above, I have been one of those "cranks" who keeps a "scrap book"; in fact, I have five large scrap books, containing clippings, etc., of local interest, and extending over a period of fifty years and, in addition, I have two other books of photographs of various flood pictures, etc., all of which make for a rather condensed "history" of interesting local events. In addition to the above, I have accumulated throughout the years, a mass of reports relating primarily to floods, their effects, and measures taken for their control, not only on the rivers of California, but of other States in the Union and of various rivers of Europe and Asia as well, but such matters, while they have been interesting to me, might be of little interest to others, possibly none, so I have not included any such data. After having completed the following (112) chapters, I was tempted to add nineteen other chapters, mainly on other local past events, all of record but, no doubt, either forgotten or possibly never heard of by many. However, time mellows many things and sometimes it is best to "forget and forgive," so I resisted the impulse and have endeavored to chronicle only those things which I felt might prove of interest and worth perpetuating in this book; as it is, possibly I may have "stepped on the toes" of some, but if so, it has been without malice and has been done only with the idea of recording events, as they have occurred.

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INTRODUCTION

W. T. ELLIS and I were born within a block and a half and a year and a half of each other and our friendship has existed through life, personally and professionally. Many of the incidents referred to by him are within my knowledge.

It has been unfortunate that the early settlers in California have not more frequently recorded their experiences as history could glean from such records many important facts. This book contains material of such sort.

The personal experiences of a young man of ample means are not only interesting as characteristic of a class, but are amusing as related and, of course for me, make entertaining reading, but the all important value of this book is embraced in the experiences of the author in the past forty years with reference to the river and levee conditions of the State.

No man of whom I know, whether layman or engineer, has the same knowledge of, or the records which Mr. Ellis has of flood conditions and levees constructed during that period. He has become an authority constantly consulted by engineers and those interested in the subject. His information as set forth in this book and the records in his office are invaluable and will be of inestimable worth to his successor.

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Situated, as it is, at the confluence of the Yuba and Feather Rivers, both rapidly rising streams, Marysville has had to contend with a serious water problem, and it had to, and has, protected itself by levees which rank with the dykes of Holland. As a result, as shown in the book, the last flood in the city was in 1875. The citizens then became convinced that if the town were to survive and their property be kept safe, it was necessary to take drastic action. A bill was drawn by a lawyer whom I have always looked up to and respected as one of the great lawyers of the State, and was passed by the Legislature, which gave to the Levee Commission of Marysville unique and all embracing powers to meet emergencies in any way which it saw fit. The Levee Commission appointed under that bill was of the highest type of citizen and has so continued, free of politics, until the present time.

It was on this Commission and as its Manager, that Mr. Ellis has acted for the past forty years, carrying on, extending and improving the work done by his predecessors. Today the City is, in my opinion, in an impregnable position.

One does not call a doctor until one is ill, nor does one appreciate the work done by doctors unless he has occasion to consult with them. Such a condition exists in Marysville; only when the water rises against the levee do new-comers seek assurance of the safety of the city, from Mr. Ellis. The old-timers know that only in the most extreme case could there, or would there be any danger here. In time of storm, and after the drop of the rivers, the author of this book is admittedly the City's first citizen.

Having spent four decades in this work, with practically no xv compensation, the greatest honor is due him for the successful pursuit of a fad which has contributed to the benefit of his home city.

This book should remain as a text-book for all persons interested in flood conditions in the Sacramento Valley.

RICHARD BELCHER.

Dated: February 1, 1938.

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CHAPTER I Family History and Random Boyhood Memories

MY FATHER, William Turner Ellis, was born on October 14, 1826 on a plantation near Mt. Auburn, Maryland and spent his youth there. Being born "south of the Mason & Dixon line," he was a "Southerner" and a Democrat. The plantation was quite a large one and largely operated by slave labor; he received his education at Cincinnati, Ohio. The discovery of gold in California in 1849 proved an attraction which he could not resist and in 1852 took passage on a clipper ship for Panama, crossed the Isthmus and took passage on another ship for San Francisco. On the voyage he became acquainted with another young man named David E. Knight; they became life long friends and business associates in various enterprises and both took an active part in the building up of Marysville for the balance of their lives; father died in 1913 at the age of 87 years.

Father, when he first arrived in California, tried his hand at mining for a couple of years, then came to Marysville, where his friend Knight had located; father then took a position as head clerk for John C. Fall & Company which firm was doing a very large business in general merchandise in a two story brick building, situated on the bank of the Yuba River at what would now be the corner of First and Willow Streets, in Lot 1, of Block 1, Range F; this site is now underneath the present City levee there.

Directly across the street, on First Street, was situated the Merchants Hotel, a large three story brick structure; the old official City map made in 1856 shows a picture of this Hotel. The site of the hotel was approximately where the present City sewage plant is now located. At that time, the ground level there was about ten feet lower than 2 D Street but at the same time this ground was about fourteen feet above the average summer surface of the Yuba River, while at "The Plaza," which is still situated at the south end of High Street, on First Street, the natural ground level was about twenty-six feet above the average summer level of the river; at this Plaza the steamers and clipper ships used to land and discharge freight and passengers.

My mother, Lizzie Huntington, with three other sisters and a brother, came from Zanesville, Ohio to California, also via the Isthmus and reached Marysville in 1859. It was at this Merchants Hotel that my father and mother first met and were married on December 12, 1860; one of the sisters, Abbie Huntington married Judge T. B. Reardan; another sister, Amelia Huntington married Judge Gordon N. Mott, while the other sister Sarah Huntington lived with my father and mother. After my mother died on December 31, 1878, she married my father on May 12, 1886, but to me and my sisters she always remained "Aunt Sallie." All these people made their homes in Marysville. In 1863 father purchased from Elisha Ransome for the sum of only \$2800 the two-story brick residence situated at the northwest corner of D and Eighth Streets and it remained the family home for the next 57 years; I was born there on March 17, 1866 as was my younger sister Hope on August 9, 1871, my elder sister having been born on October 9, 1861 in the Merchants Hotel. Across the street from this old home was situated a small frame cottage, the lumber for which "came around The Horn" and in this small cottage resided Judge Stephen J. Field, first Alcalde (Mayor) of Marysville and in later years

Associate Justice of the United States Supreme Court. This house is now situated at about C and 18th Streets.

Judge Field and my uncle Judge Mott were great friends and often indulged in the old California indoor sport of playing poker. Some times, when funds were a little low with which to gamble, each owning quite a number of vacant City lots, they would use these lots for “stakes” and many of the old City abstracts will show transfers from G. N. Mott to Stephen J. Field and very rarely, Stephen J. Field to Gordon N. Mott, indicating that Field was the better poker player, I assume. Mott was a District Federal Judge, and as was the custom in those days, traveled from place to place, holding Court. On one of these trips, the stage was attacked by Indians on horseback, armed with bows and arrows; the driver let the four horses run wild in an effort to escape, but was struck with an arrow; Mott was the only passenger in the coach and to render the driver assistance, climbed up to the driver's seat, got the driver in the “boot” of the stage and, supporting him between his knees, drove to safety to the next stage station, the driver being dead on arrival. Mark Twain in his book entitled “*Roughing It*,” describes this occurrence.

Mott had three sons and one daughter; the younger son, my cousin Edward Marshall Mott, was highly educated, could speak Latin almost as well as English and always wanted to be an actor. When Field became Associate Justice of the United States Supreme Court, he took Edward Mott back with him to Washington, D.C. and 3 young Mott was his private secretary for a number of years, later being ordained as a Minister in the Episcopal Church; returning to Marysville as pastor of the old Episcopal Church, which was built in 1854 and is still standing at the northeast corner of E and 5th Streets. By the way, I was baptized in that church when a baby but unfortunately the baptism apparently “never took” very well. I was baptized with the name of William Densmore Ellis, the middle name being the name of a very favorite bookkeeper my father had in his employ and in whom he apparently placed too much confidence, for shortly after my baptism, this Mr. Densmore absconded with something like five thousand dollars and father immediately, of his own accord, changed my name to William T. Ellis, Jr., so I have always been in doubt as to just what my

middle name rightfully is and possibly Mr. Densmore's speculations causing a mix-up in my middle name was the cause of my baptism in the church "not taking" very well.

In 1857, John C. Fall failed in business, largely because of extending too much credit, and my father took over the business in the same store and remained in business there until about 1862 when he purchased the large brick store building on First Street, between D and High Streets, the flood of 1862 causing him to seek a location on higher ground. At that time this was a one-story brick building and considered fireproof from the outside. The outside walls were exceedingly large and substantial, every window and door being double; the inside windows and doors were of glass while all the outside doors were of iron. The roof was a wooden hand split sugar pine shake roof, but under the roof was a heavy wooden flooring on which was a layer of about six inches of sand and on top a layer of bricks, so that the roof might catch fire and be destroyed but could not reach the interior of the building. In later years, he placed a second brick story on the building, occupying both floors for his business, which was conducted there, a record of fifty-seven years of continuous business. At one time, father had a branch store also in Winnemucca, Nevada when mining was lively in that section. He shipped his goods by teams and also by pack mule teams, crossing the Sierras by way of the old Hennessee Pass route, not only to Winnemucca but to other points such as Carson City, Virginia City and other State of Nevada points. He was also a partner with James Trayner in a flour mill, situated at about F and Second Streets, but the flood of 1875 ruined contents and the building and, being a total loss, it was never opened again.

Father never was much interested in politics although he was elected County Treasurer in 1875 and served two terms, it being the practice in those days to have some well known business man Treasurer, the deputy really doing all the work. His deputy was J. F. Eastman. The State collected state taxes in those days and I remember several times going to Sacramento with father and Eastman to "settle with the State," the coin being carried in a large bag and father, Eastman and another man, all heavily armed, going down by train. Father was also a member of the City Council later on.

Father was always a great lover of good horses and saw that they were well cared for. 4 When I was very young, he maintained a very handsome driving mare called “Nellie” for his own personal use and for which he paid \$1000 to a well known sportsman named Barney Ayers; he also had the only “Brewster buggy” in town which cost him \$500; he was very proud of this outfit. For mother, he maintained two bay horses and a hack, called a landau, the top of which could fold to the front and rear and when mother and her sister went driving my elder sister and myself would always have an argument as to which one's turn it was to sit on the driver's seat with the driver, an Englishman who was in father's employ for many years; his name was Tom Jones; he saved his money and in later years returned to England and wrote back, saying that he had married and that he and his wife were running a roadside inn.

For his business use, father had another stable on the west side of High Street, in the rear of his store where he maintained four truck horses and three wagon horses. These horses were as carefully attended to as those at the home stable. His horses knew him and when he came near them, they would commence to “whinnie,” knowing that there was usually a lump of sugar in his pocket for them. In later years, his horses were all kept at the home stable. He always preferred horses of a gray color and liked them “well rounded out” and to look well fed. One day a large circus having come to town we delivered to the kitchen tent a wagon load of groceries; the attention of a man and his wife, who were both quite famous bare back equestrians, was attracted to our delivery horse; they immediately came down to the store and called on father and said they would like to purchase the horse because he had style and a particularly broad back, well adapted for somersaulting on, etc., and asked if he would sell them the horse. Now father was never known to sell a horse and he was particularly fond of this one; the horse was worth about \$150 and he had no intention of selling, so with the idea of getting rid of them, he remarked, “Why, it would take \$500 to buy that horse,” and then, much to his astonishment, they replied, “Here is your \$500,” and offered him the money. Father tried to get out of the deal, said he had only been joking but the woman “stood pat,” said he had made his price, it had been accepted and believed him to be a man of his word. They got the horse and father was morose for several days afterwards. The following year, the same circus came to town, the man and his wife called on father and gave him some passes and told him to be

sure and come to the circus and see the horse perform; well, we all went that evening and father, especially, was more than pleased to see his horse, looking rounder than ever and perfectly trained. After the show, we all went to the horse tent to see the horse, father with his pocket full of lumps of sugar, and when the horse commenced to “whinnie,” he was tickled to death, even after the woman told him, “Mr. Ellis, if you want to buy this horse back, \$1,000 wouldn't buy him, because he has such a broad flat back, which is rare in most horses.” That circus came to town three times in after years and each time father went to the circus to see his horse.

This barn at home had a fancy cupola on top of the roof, with sloping slats on its four

THE AUTHOR's FATHER AND MOTHER TAKEN AT THE TIME OF THEIR MARRIAGE,
DECEMBER 12TH, 1860

FOUR OF MY MOTHER's LADY FRIENDS THESE PICTURES TAKEN AT RANDOM FROM
AN OLD ALBUM WITH MANY SIMILAR PICTURES WHICH BELONGED TO HER

5 sides. Several of us young kids conceived the idea of making it a safe place to smoke. We hid there our Vanity Fair tobacco and brown cigarette papers and “rolled our own.” One day father came home earlier than usual, he saw smoke coming out of the cupola, put in an alarm, the fire engine came rushing up and the firemen discovered the cause of the smoke. I believe it was more the kidding that my father received than it was the smoking, which caused him to give me a “lambasting” that cured me of smoking until I got on long pants.

Shortly after I was born, for a nurse girl to look after my elder sister and myself, we had an Indian girl named Rose, who was purchased by father for \$500. It appears that two miners, having been quite successful in mining, stole this young girl from her parents; one of the men being married, with a wife and children in San Francisco contemplated having the Indian girl for a nursemaid. This miner, however, when he reached Marysville got into a gambling game, lost all his gold dust and looked about for some one to whom he could “sell” the girl and father was the one who obtained her. This girl Rose would never sleep in a bed, she would roll up in a blanket and sleep on the floor at the head of a stairway, near our room; she could not stand civilization I guess, for when she had

been in the family for about ten years she contracted tuberculosis and died after being ill for about three years.

My oldest sister and myself had a small wagon, made to order by a well known blacksmith and wagon maker by the name of Samuel Bradley. To this wagon we had hitched a team of trained goats and the two of us used to drive that rig all over town and in the open area, north of 8th Street and west of E Street, which in those days was called “the plains,” there being at that time no streets laid out and about a dozen scattered small residences with a large round brick powder house on what is now Motor Square; this area is now a closely built up residential section. We had these goats for several years and when they died, father had the wagon fitted with shafts and to it we hitched a pet deer, after it had reached some size. It was a buck deer and after it had grown some good sized horns it ceased to be a “pet” and one day, after having attacked me and “horning” me good and plenty, we had venison steaks for a few days.

When my sister and myself got older, we were given ponies and, later on, fine riding horses; we both spent lots of time horseback riding. In those days, every summer, the family would go to San Francisco for a vacation for a couple of months; we always stopped at the old Occidental Hotel on Montgomery Street. It was the leading hotel in those days and I have two vivid recollections of the hotel; one was the fleas, and in San Francisco those days fleas were abundant everywhere. The other recollection was of being ill with scarlet fever; we had been assigned rooms in which Joseph D. Grant of San Francisco had been ill with scarlet fever and, as fumigation was not practiced in those days, I contracted the illness. Diagonally across the street was the well known Russ House and in one of the stores on the ground floor was situated a toy shop; when I was convalescent, father made an arrangement with this toy store to furnish me a new 6 toy of some kind each day, each day taking back the toy of the day before. I have often wondered how many cases of scarlet fever possibly may have scattered among other children in San Francisco.

After the Civil War, almost every one took a great interest in politics, and I remember, as a boy, speeches, pro and con, by nominees for election; a speech always drew a large crowd, the speakers were always quite rabid and the “bloody flag” was dwelt upon and many a fist fight resulted as the

war was still fresh in the minds of every one and every man was either an “out in out” Democrat or Republican, which simply meant that he had been a sympathizer of the “South” or the “North.” At Presidential rallies both parties would try to outdo each other with their torchlight parades, bonfires on D Street, usually at 2nd and 3rd Streets, and “spell-binders” making speeches, on platforms, constructed usually in the middle of the street at 2nd and D Streets. The streets, sidewalks and the balconies in front of the buildings would be crowded with people. At the head of a Republican procession, generally one large man, holding aloft a long pole with a rooster, which was supposed to crow; while at the head of the other procession would generally be another man with a long pole, on top of which would be suspended a man's white shirt, daubed with red paint and typifying the “bloody shirt.” Bands would play and we young kids played no favorites, every procession looked good to us and the boys would vie for the “honor” of walking in front of and assisting in holding up the drummer's big bass drum; if a lad succeeded in this honor and chanced to be in the wrong procession and his father found it out, that kid was in for a good “licking” by his dad.

Later on, the Denis Kearney riots commenced to take place with the slogan, “The Chinese must go, Denis Kearney says so.” This agitation started in San Francisco and spread all over the State to a large extent. The poor inoffensive Chinese had a hard time of it; small boys, influenced by the attitude of their parents in many cases, would steal and scatter vegetables and laundry which the Chinese might be carrying in two large baskets, suspended on each end of a long flexible flattened pole, the latter swung across one shoulder; the loads which were carried with a swinging motion in this way were remarkable. Other “amusements” of the boys would be to watch a chance to tie two Chinese queues (called pigtails) together when unsuspected; another amusement of the boys was to throw stones at the Chinese and, if at times a rock “landed” properly, the Chinaman knew he had no redress. My father cautioned me never to do this, but one day I was playing marbles with several boys near our home when a Chinaman happened by; the other boys commenced to throw rocks at him which all missed; on the spur of the moment, to show the other boys that they were poor marksmen, I threw a rock which struck the Chinaman on the side of his cheek. This Chinaman had more spunk than others of his race and started after me; I ran across the street to our home and dashed in the back door, the Chinaman following me right into the house; unfortunately

for me, father happened to be home; he asked the Chinaman what was the matter and when he obtained the information, he gave the Chinaman a dollar and asked him to wait while he proceeded to place me across his knees and warm the bosom of my trousers in such an effective manner that, for several days afterwards, I would have preferred to have taken my meals off the mantelpiece in place of sitting in a chair. That cured me from “shieing” rocks at any Chinese.

The Chinese did a lot of mining, generally taking over claims which the white men abandoned; they controlled the vegetable and laundry business and had several large mercantile stores on First Street. Chinese were used almost exclusively for common labor by the railroad company and for levee building; when levee building was first started, by William H. Parks (father of our local Fred Parks), in what was then called the Sutter tule basin (now the Armour Reclamation District), Mr. Parks used Chinese exclusively at first to build levees, the tools being shovels and wheelbarrows. There was a large Chinese population in Marysville, several very large stores with large stocks of Chinese goods, Hong Wo & Co. being the largest concern, situated at 314 First Street. In later years Sun Yet Sin hatched his plans to make a Republic of China there, which later on he succeeded in doing and became the first President of the Chinese Republic; his body is now residing in a very large and elaborate mausoleum (or shrine) in China, costing several million dollars.

On “China New Year's Day,” there was always a large celebration in Chinatown; many whites would call at the various stores and were always given presents as Chinese are always particularly liberal on that day. The air would be filled with the bursting of long strings of firecrackers to “drive away the devil.” Every Chinaman made it a point to have all his debts paid on that day; otherwise they considered it would be bad luck to start a new year with unpaid debts.

My father did a large business with the Chinese and extended them lots of credit and we never, as far as I can remember, ever lost a bill. There was at that time a Chinaman by the name of Len Noy who was a very large operator in raising potatoes near Marysville. He made plenty of money and had a wife, but decided that he was sufficiently affluent and an important personage to have a second wife with “little feet” so he went to China and brought back with him a very nice looking young Chinese girl about 20 years of age and with “small feet” which had been placed in that

condition by firmly binding the feet with wrappings from an early age; this resulted in the woman being so badly crippled with such small feet that she could barely walk, but it was a sign of great beauty and attractiveness and it was notice to his countrymen of the husband's great affluence and importance. Len Noy had a good home on one of his ranch properties and installed his new wife therein, his first wife becoming second in importance and a servant to the first wife and perfectly satisfied in her new lowly position. Len Noy informed every one that he had paid \$3000 for his new wife. Then followed several disastrous years for Len Noy; his potato crops were largely failures because of insufficient moisture, pests of different kinds, etc. My father had extended him credit to the extent of about \$2500 and when New Year's arrived, Len Noy could not pay; he was exceedingly dejected and apologetic and contemplated selling his little foot wife; my father told him not to worry and to pay whenever he could; it took Len Noy about three years to pay off the debt and then he insisted upon giving the family some valuable presents.

New Year's day celebration was always followed in the next month with the Chinese "Bomb Day," when bombs were shot up in the air with numbered tags attached and the one who caught the wicker ring with the attached tag when it descended to the ground was entitled to call for and retain for one year a prize screen which was expected to bring good luck to the holder for that year. Great crowds would congregate to witness the scramble for possession of the wicker rings, when they were shot up in the air, particularly for the big prize one, and in those days I have witnessed over 150 Chinese pull and haul and tug for over an hour, trying to get possession of this prize, their clothes torn to ribbons, their hands and arms scratched and bloody, until finally some one of them would be successful, with the aid of his friends, to escape and run as fast as he could to the Joss House where the prize would be awarded him. Then would follow processions and banquets where large roasted hogs, "cooked to a turn," would be the piece de resistance.

It was always a mystery to our bookkeeper Charles Sawtell and myself where father spent his "loose change." All the supplies for the kitchen at home were always purchased by our old Chinese cook Jack; at the end of each month he would bring all his bills to the office and either the bookkeeper or myself would give him the money to pay them. All the other bills for the house or family, for clothes, etc., would be mailed to us and checked up and be paid by check, so father

really paid no bills himself; nevertheless, about every other day, he would go to the safe, take out a \$20 roll of 50¢ pieces and put it in his pocket and charge himself with the amount. The fact of the matter was that this spending money went partially for a certain number of whiskey punches each day, which in those days cost ten cents, and, as he always had the habit of buying his drink and walking out, never loitering about saloons, this did not cost much; he smoked about fifteen cigars each day of the “3 for a half” variety, and almost every afternoon he would indulge in a game of pinochle for an hour or so; the balance of the money he gave away to various old timers who were “down and out” and were constantly asking for money “for a meal.” One day he passed out some money to several of these old fellows at the same time for meals and shortly afterwards he went in a saloon and found them all lined up before the bar, enjoying drinks at his expense in place of meals; he got peeved and had a large number of tickets printed “Good for a 25¢ meal at any restaurant, W. T. Ellis,” and commenced to pass them out in place of money. This appeared to work fairly well for a few months until one month there were several hundred of these tickets brought to the office to be cashed; an investigation disclosed that some unknown person had had printed a copy of his tickets, had disposed of them

THE AUTHOR'S OLDEST SISTER, MARIAN WITH INDIAN GIRL NURSEMAID ROSE
PICTURE TAKEN ABOUT 1869

THE AUTHOR IN 1875, THE LAST TIME THE CITY OF MARYSVILLE WAS FLOODED

9 at various places for a discount of 10c each and then cleared out for parts unknown; that caused him to discontinue his free meal tickets and he returned to his old habit of dealing out cash instead.

One day, a young man came to the store and said he had a mining property in the mountains which he was going to open up and wanted to lay in a lot of supplies. One of the clerks proceeded to take his order, which was quite a large one; father glanced over the list of goods which had been ordered, came to the conclusion that it was not a well balanced order for a mine and became suspicious and when the young man asked if he would cash a small check, that convinced him that the young fellow was a crook; he immediately called the police and had him arrested; he was taken to the City jail and locked up but soon convinced the police that he was what he was representing himself

to be and was released and purchased his goods elsewhere. He himself it appears had taken the matter good naturedly but shortly afterwards his father, learning of his son's experience, caused a suit to be commenced against father for \$5000 for false imprisonment. A date for the trial was set, father engaged a well known attorney, Grove L. Johnson, of Sacramento to represent him; in the meantime, he was given a lot of good natured joshing by his friends and when the day for the trial came around, much to the objections of his attorney, who discovered that father had not sworn out any warrant for the man's arrest, and, through some neglect, the police docket did not even have the man's name or any charge placed against him, the attorney claimed that he was sure he could beat the case. Father, however, insisted upon settling the case without a trial. It cost him \$3500 for the injured feelings of the young man's father, and he also had to pay his attorney, Mr. Johnson, \$500 for his time and trouble in getting ready to defend the case. That was a very tender subject with him for several years.

I owe a great debt to my father because he trained me in practical ways and made me commence at the foot of the ladder and work up. He often said, "Use your head, Bill; make up your mind that what you are about to do is the right thing to do and never go off half cocked." Another thing he insisted upon was punctuality; "If you make an engagement for 2:00 o'clock, that means 2:00 o'clock and not 2:05 o'clock." As for drinking, and there was plenty in those days, he told me, "Learn how to hold your liquor, Bill, and be as moderate as possible for your own good and always remember that you are a gentleman."

I never knew of father being sick a day of his life; it was only some six months before he died, at the age of 87, that he commenced to show signs of the "machinery wearing out" and then never made any complaint except to remark that he "didn't feel just right"; he took to bed about a week before he died and showed no sign that he realized his condition until about three days before the end, when one day, calling me to his side, he whispered to me, "Billy, I am a goner," an old early day California expression.

THE first school I ever attended was a private school for small children, situated in the second story of a brick residence where the present Hall of Records is now located. The teacher was Miss Ella Moody whose parents had a ranch situated on the south side of the Buttes in Sutter County. I attended her school, I believe, about two years, and then went to another private school which was conducted by Mrs. S. M. Miles, wife of the first Mayor of Marysville. The school was in the present two-story brick residence situated at 427-8th Street. Mrs. Miles was a spiritualist and, occasionally, when she was conducting the school classes, she would excuse herself for a short while, saying “that she wanted to talk with her husband for a little while”; (he had been dead for a good many years). We could hear her “talking” to the Doctor in the next room but of course could not hear his replies, although she told us she could hear them; whether she did or not, she seemed to get a great satisfaction out of her conversations with her deceased husband.

A few years afterwards, I attended the public school which was then situated at the northeast corner of B and 7th Streets, where the State Highway Division headquarters are now located; it was a two-story brick building with two school rooms on each floor. Only boys went to this school, the girls those days going to the old grammar school, situated at the southwest corner of E and 7th Streets, where is now situated the Christian Science Church. I will never forget my first day's experience at the public school. I was “dolled out” with a new store suit, knee pants, leather boots with bright red square of leather on the top front of the boots, white flounced shirt with a wide collar turned back over the coat; I looked, I imagine, like a “little Lord Fauntleroy.” All the other boys were dressed in old coats and overalls; they looked “rough” and I soon found that they were “rough” because at recess time one of the boys by the name of Johnnie Lopez was selected to “dress me down”; a ring was formed by all the other boys and Lopez first made a jerk at my collar and tore that off; he then boxed my ears and followed with a good kick on my nice new boots; by that time I was “crying mad” and “we went to it”; he got me down in the dirt and gave me a “whale of a licking” and I still have a slight dent on the end of my nose in his attempt “to flatten it all over my face” as he told me. The teachers paid no attention to these little “diversions” but when I went home, with my new clothes badly damaged, I asked for, and obtained, permission to dress like the other boys and was then accepted “as one of the gang” after that.

The Superintendent of Schools those days was Mr. T. H. Steel (father of our present Superior Court Judge, Mr. Warren Steel). When Mr. Steel was Superintendent, he used to visit the school classes and we scholars were always “on edge” when he so visited. He would call on various scholars and when he would call out, for example, “Master Ellis, please stand up, I want to propound a problem for you to answer”; Master Ellis would stand up with trembling knees and wish a hole would open up so as to make a quick disappearance, because he knew what was coming, as the “problem” submitted was almost always a “catch question” which would usually be impossible to give the correct answer to. The children dreaded these occasional visits by Mr. Steel and I believe the teachers did also, as almost every boy would fail to give correct answers, which apparent stupidity on the part of the scholars the teacher looked upon as a reflection on his ability as an instructor.

Two of the teachers were named Babcock; they were brothers and one was quite deaf. The boys, sitting close to the wall in the deaf teacher's room which separated the two class rooms, would at times kick against the partition wall; this would bring in the other Babcock to complain to his brother, who would maintain that his boys were not doing so, “that he did not hear them doing so”; this happened several times and one day, the two Babcocks themselves “got into a scrap,” to the unbounded amusement and glee of the scholars.

Later on, changes were made and boys and girls went to school together and I advanced to the senior class of the Grammar School at E and 7th Streets, where Mrs. Emma Hapgood was teacher. When the boys and girls started going to the same school, it took some time for the boys to get “tamed down,” particularly with a woman teacher, but Mrs. Hapgood was equal to the task; she was an excellent teacher and a fine motherly woman but a strict disciplinarian when necessity required and a very large and powerfully built woman. This latter fact Godfrey Carden and I found out one day, when we placed on top of the large hot stove in the school room the contents of a small can of cayenne pepper during school hours, and, when she charged Carden and myself with being the guilty ones; admitting our guilt, she grabbed us each in turn by our coat collars, hauled us out of our

seats over the school desks and gave us a licking; after that exhibition of her strength, all the boys were more circumspect.

I then advanced to the junior class of the High School, on the second floor of the same school building at 7th and E Streets. In those days there were the Junior, Middle and Senior classes; the Principal was Professor Hill, and afterwards Professor Kleeberger. There was generally a large junior class, but many scholars did not advance to the two higher classes as many of the boys and girls then went to work. When I graduated from the Senior Class in the third year, the class consisted of three girls, Anna McKenney, Laura Bordwell and Della Parks, and myself, the only boy. Anna McKenney was rated the brightest scholar in the High School and I well remember that I would not have passed the written examination for graduation had it not been for the fact that Anna sat at the next desk to me and surreptitiously gave me the correct answers to some of the written examination questions which I was “stumped on.”

That was the extent of my “schooling” as I then went to work in my father's store, 12 but I became interested in good educational books and for several years afterwards I “polished up” my education with such reading.

CHAPTER III Our Family Chinese Cook, Yuen Yeck Bow (Jack Ellis)

YUEN Yeck Bow, whom I will refer to herein as “Jack,” was one of the swarm of young Chinese who came to California principally to mine for gold but also to work on the construction of railroads, conducting laundry shops, vegetable gardens, etc. Jack, from his story, first tried mining, then worked on railroad construction, until one day a powder blast resulted in a large rock falling on his head and, as he described it, “he was dead for two days”; presumably, he was unconscious for that length of time, but he always insisted that he had been “dead” and was quite proud of the fact that he had come to life again. That accident cured him of railroading and he then became a cook for John H. Jewett, the banker, who at that time owned the brick residence at the southwest corner of C and 6th Streets. Some time afterwards Mr. Jewett and his wife closed the house and took a long trip to Europe and Jack then came to my father to be cook; this was about 1864 and, with the

exception of about two years, when he took a trip to China, he stayed with our family until 1913, when my father died. In other words, he was our family cook for some 49 years.

When father died, Jack told me that he wanted to go back to China and spend his last days in the land of his ancestors; he asked permission to take some things in the house back with him and I told him to help himself. We had four large old fashioned trunks and he selected the smallest one and packed it with various odds and ends, then decided to use the next larger trunk and finally ended up with using the largest trunk. He then asked me for my father's watch, which he had not worn for years; it was a very fine gold Swiss watch but old fashioned to the extent that it had to be wound with a key, having been made before the "stem winder" had come into vogue. I brought him the watch and chain, which had been in the office safe for many years but he then asked for the "fancy thing" which was attached to the chain.

This "fancy thing" which he referred to was a Knights Templar Maltese Cross emblem, so I gave that also to him, but for fear it might get him in some trouble, I gave him a letter, stating that the watch, chain and emblem had been given him and that it was his property. I fixed him up with a good cash present and he departed but not 'till I had given him a good old hug, for we had become very much attached to him and, as a baby, he had watched particularly more over me than my sisters, because I was a boy. He sailed for the home of his ancestors on June 12, 1913.

About three years later, I received a letter from him (written by some Chinese friend in "pigeon English"), telling me he was getting along all right and also enclosed his photograph and very conspicuous on his vest was the gold chain and the Maltese Cross

YUEN YECK BOW BETTER KNOWN AS JACK ELLIS COOK FOR W. T. ELLIS SR. FOR FORTY-NINE YEARS

TOM JONES ENGLISH HOSTLER FOR W. T. ELLIS SR. FOR TWENTY-ONE YEARS

13 emblem; I got word some years later that he had died and I presume some other Chinese is sporting that watch, chain and Maltese Cross.

Jack was quite a character; he was very small and almost every one knew him, especially the children. He did some marketing himself every day, always carrying a basket, swung on his arm, in which he would carry bananas, or some other fruits and candies; the children knew of this and on his way home he would be coaxed for some of the things in his basket and by the time he reached home, many times the basket would be empty; he had a great fondness for children, but, like all Chinese, favored boys. He was very faithful and generous to a fault and every Christmas, notwithstanding our protestations, he would give us valuable presents. One of the most difficult decisions he ever had to make was when the edict went forth that all good Chinese should cut off their queues and let all their hair grow, “American fashion”; he just hated to give up that old “pigtail” of his, but he finally did and then became quite proud of the change.

CHAPTER IV Vacations

As I look back over the years, I realize that I have spent but little time on vacations.

When I went to work for my father, employees of any business houses did not expect vacations, either with or without pay, as is the established custom these present times. To have told “The Boss” in those earlier days that you wanted a vacation was about the same thing as telling him that you were quitting your job, for that was the usual result. Even Sundays were not full vacation days because many of the business houses kept open Sunday morning until the noon hour and as for week days, the closing hour was 8:00 P.M. with some and 9:00 P.M. with others.

After I had been advanced in the store, I was the one who was really responsible for the movement to have all stores close at 6:00 P.M., among the employees of many of the stores. We organized rather secretly but the story soon leaked out and for a while there was strenuous opposition by the employers and even the working people made some objections, claiming that as they all worked until 6:00 P.M. they would have no time to trade with the stores closing at the same time as they quit work. We finally won our point and a few years later also induced most of the stores to remain closed all day on Sundays. It was then that clerks formed small groups for amusement, the one I

belonged to being called "The Saturday Night and Sunday Too Club," which I will tell about in another chapter.

Of course, being the Boss' son, I enjoyed a few more privileges and occasionally took off a couple of days for fishing and hunting and some summers I took vacations of a week or so with others for a mountain trip where fishing and all kinds of game were abundant, the only trouble being that so much time was lost in going and coming wagons and horses.

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In later years, I formed a "fishing partnership" with L. L. Green, cashier for many years of the Rideout Bank at Oroville, and with E. E. Biggs, also a cashier for many years with the Rideout Bank at Gridley. We took our vacations at Rocky Point on the west shore of Klamath Lake where we had a small cabin. It was a small resort where we could obtain our meals. We had our own motor boat and the three of us made daily excursions to different points as that lake is some forty miles long with many small streams, fed by ice cold large springs where we could catch the "big fellows." When we first commenced to go up there, the legal limit was fifty pounds of trout per day to the person; on one trip, six of us in two boats, on an excursion to the Williamson River, caught the total limit of three hundred pounds of trout, varying in size from four pounds up to fifteen pounds to the fish; they were all "Rainbow Trout," great fighters and great sport. The largest one I ever caught weighed fifteen pounds but the largest one I ever saw caught was a rainbow trout, weighing twenty-three and a half pounds. This was on July 23, 1921; the fish was hooked by Dr. A. E. Sykes, a dentist of Oakland, California; the length of this fish was thirty-seven inches, its girth twenty-four and a half inches and was caught with a six-ounce rod and braided silk line of 30-pound test, the bait being a basireno. Mr. Green and myself were fishing nearby at the time and stopped fishing to watch the contest which Sykes was having with his fish; it took Sykes about an hour to wear his fish out and gradually work him close to his boat so he could land him with a gaff hook. As soon as he had the fish safely in his boat, we all started back to camp post haste; Sykes immediately packed up his belongings and, accompanied by several of us, struck out for Klamath Falls, had the fish photographed and we made affidavits before a Notary Public, and Sykes and his fish took the train for Oakland, the fish being packed on ice in the dining car. The following

year, Sykes again showed up at the Camp and he told us that when he reached Oakland he had the fish frozen in a large cake of ice, which was renewed from time to time and for several weeks it was exhibited in show windows of sporting goods houses in Oakland and San Francisco where it attracted a great deal of attention. The story was written up in sporting magazines of national circulation and resulted in presents being sent him by sporting goods houses from various sections of the country consisting of fishing rods, tents, fishing tackle, etc., which he said more than filled a large store room which he had at his home.

When it comes to telling fish stories, I know that, while a man may have a first class reputation for truth and veracity, still, when it comes to his telling about his fishing, it is permissible to be a first class liar; notwithstanding this fact, I am going to tell a fish story. One day, Green, Biggs, A. L. Brownlee and myself were out fishing on the lake; we were having our usual good luck; Green got about a ten pounder hooked and the rest of us drew in our lines. This fish was a good fighter and it took some time to gradually draw him close to the boat; when he was about five feet from the boat, he suddenly made another leap in the air, in an effort to shake off the hook, then drove down under the boat, coming up again in the air on the other side and, when doing so, the line got tangled in the boat's keel, so when the fish was about three feet in the air, the line suddenly went taut, which caused the fish to land in the boat at Green's feet. I never saw a man as astonished as Green was, in fact we were all so. Green maintained that he had established a "record" by having a fish like him so much that he had jumped in the boat to be caught. When we reached camp, Green immediately told all those present of his experience and asked three of us to corroborate his statement; we all three declined to do so, saying that it was just one of Green's fish stories; he was very peeved as we "stood pat" in our denials, but, later on, when Green showed signs of getting considerably peeved at us, we admitted to the facts. Both my two old friends, Green and Biggs, have passed to other happy hunting grounds, but I still have my friend A. L. Brownlee left to okay this story, unless any possible reader of this may also decide that when it comes to fishing, he also is in the first class liar class.

Of course, my brief vacations were not confined to fishing and hunting; as a young man, some forty-five years ago, I managed occasional visits to San Francisco on business and quite naturally

pleasure also; those were the days of “Old San Francisco”; one of the popular resorts was Sanquinetti’s Restaurant at North Beach, largely patronized by Italians. If you went out there, particularly on a Saturday or Sunday evening, with your lady friend, “when the going commenced to be good,” it was the custom and rule that any man could go to any table where a girl was sitting with her boy friend and take her by the arm and invite her to dance, whether he was acquainted with her or not; if her boy friend objected, it meant a fight. Late in the evening, when every one was well “organized,” they would commence to break up loaves of bread and throw the pieces at one another and at times the air would be filled with flying pieces of bread, some times full loaves; it was just “an old Italian custom.” Those were the days of the well known “French Restaurants,” such as “The Pup,” “The Poodle Dog,” “The Fly Trap,” “Marchands,” “Zinkands,” and others where was served the most excellent food at really very reasonable prices; they were “more refined and decorous” than the North Beach resorts but they all had their “private dining rooms” on the second floor. “Those were the days of real sport” to be remembered now with many amusing and fond memories.

All the first class barrooms were elaborately furnished, with many wonderful paintings, and there was always a long table presided over by a chef in immaculate white jacket and apron and tall white cap, and on the table was spread a variety of vegetables, fish and invariably a six or seven rib roast, all piping hot and “cooked to a turn.” The customer would possibly order a drink and then pick up a plate and the chef would serve him whatever he desired, with no charge; it was just for the convenience and pleasure of the patrons, but the patrons were of a class who usually had many more than one drink; if a “moocher” commenced to make it a habit to call quite often and buy a ten cent drink and indulge in what was, at least, a 50 cent free lunch, he was politely informed that his room was more appreciated than his company. Dan Sullivan, 16 who had been raised as a poor boy in Marysville, had a very elaborate bar in the old Grand Hotel on Market Street, opposite the Palace Hotel; he was always delighted to see any one from Marysville and would always invite you to the bar and tell the bartender, “the drinks are on the house for my old Marysville friends”; well some times I thought that Dan’s system was not such a bad one for the house after all.

This chapter is supposed to have to do with “vacations” and brings to mind that the longest vacation and the longest time I ever was away from Marysville at one time was in 1886 for three

months. I got some stomach disorder and was advised a vacation with a sea voyage and a trip to the “Sandwich Islands,” as they were generally termed those days, was recommended. I left shortly after the first of April and was supposed to return about the latter part of May but, for a fact, I did not leave there until the fifth of July; too many attractions and distractions simply prevented my return.

I left for the Islands on the steamer *Zelandia*, armed with many letters of introduction to various people, signed by Mr. Claus Spreckels, then “the Sugar King” and from whose sugar factory our store was a good customer for many carloads of sugar. Claus Spreckels, those days, was referred to as the “uncrowned king” of the Islands where he controlled almost all the sugar cane plantations. The Islands those days were a kingdom, King Kalakaua being on the throne. When I registered at the Royal Hawaiian Hotel, the head clerk looked at my signature and asked if I was a member of an Ellis family who used to stop at the old Occidental Hotel in San Francisco; when I assured him that I was, he asked if I remembered him, which I did not. He then said, “I am W. S. Bartlett, I used to be head clerk at the Occidental Hotel and when you were a young boy, about fifteen years old, I used to take you out to North Beach with me and you learned to swim there.” He then said, “I am not going to put you in the room I have assigned you to, I am going to give you a small cottage in the palm garden in the rear of the hotel where a lot of young fellows are stopping and you will enjoy it more out there.” He introduced me to these young men, each of whom had a small one room cottage and bath; a number of young Kanaka girls acted as house maids, when they were not singing and playing on guitars, etc.; the arrangement was very satisfactory. The day I landed there were rumors of a revolution and one of the first men I met and happened to have a letter of introduction to, was a man by the name of Ashford; when he found I was from Marysville he asked me if I knew his two uncles, Joe Ashford, an old time lawyer of Marysville, and his brother, Ben Ashford, who had a large ranch and warehouse for grain storage on the Feather River at Ashford's landing near Plumas Bend. When I told him I knew them both very well, he took me in charge and confided that they were going to have a revolution in a day or two, that he occupied the position of Attorney General and that his brother was Commander in Chief of the Army (which consisted of about 300 soldiers, most all Americans) and said that a large part of the population was ready to

revolt when he gave the word, and advised that I join the revolution. I joined up. About two days following, a mass meeting was held, 17 attended mostly by Americans, a new constitution was read and unanimously approved and a large committee was appointed to wait on the King and present same and give him 24 hours to accept or refuse. When the 24 hour time limit expired, the King signified his approval and every one was apparently satisfied. During the agitation, the saloons were ordered closed but I found that while the front doors were locked, the back doors were all open, so no one suffered from thirst. I was staying at the Royal Hawaiian Hotel as were many of the ringleaders of the revolution, and a few evenings after, to show that there were no hard feelings by the King, he came over to the Hotel at the head of his very wonderful band and gave a concert in front of the Hotel.

To still further show his good feelings, the King gave a large banquet (called a luah); it was a stag affair, and there were many invitations to the local political powers as well as many officers from some American, French and English warships at anchor in the harbor; I was “among those present.” The Palace had a very large banquet hall and every one sat on the floor in rows, “tailor fashion” and just as an appetizer, every one had a quart of imported French champagne, set in front of him; well, the reader can guess the finish. When the “going was good,” the King called in about fifteen of his private hula dancers to entertain us; they were professionals, trained from childhood up and danced only for the King and his guests and were dressed mainly in wreaths and smiles. Two days later, when I awakened, I thought I had been dreaming but my head told me otherwise.

On May 24th was the Queen's Birthday, so the English warship officers decided to hold a celebration and many were invited; this also was a stag affair and again I was “among those present.” There was much music from Hawaiian men and women entertainers and early in the morning, after about ten thousand toasts to “THE Queen, God Bless Her,” the affair became so very boisterous and noisy that a squad of Hawaiian police were called to stop the disturbance; this was resented by the English and resulted in many being arrested and taken to police headquarters, but when it was ascertained that among those arrested were the Ambassadors of England, France,

United States, Spain and other foreign countries, they were profuse in their apologies for the “mistake.”

Shortly after, the 4th of July rolled around and the Americans concluded to reciprocate and also have a celebration and invite many guests. I was a member of the Committee of Arrangements and we decided that ours would not be a stag affair but that we would have ladies present. Well, my memory is still a little hazy of just what happened but I know it was a wonderful success, so much so, that I decided that Honolulu was no place for the cure of any stomach ailments and the following day I took ship for home, with a number of young men with whom I had become acquainted.

I have since then seen many hula dancers, both on the stage and on the screen, but never have I ever seen dancers who performed like the King's private dancers. The dancers wore different costumes for different dances, such as grass skirts or tapa gowns, other 18 dances, well, largely garlands of flowers and winning smiles. Some dances were seated, the dancer sitting cross-legged on the floor, the body swaying from the waist up, the arms wiggled sinuously, while in the hands there would be a pair of pebbles called *ili ili* and clicked with the rhythm of the body and the music, the latter being furnished by native musicians who used gourds, cocoanut shells, rattles and guitars. Each dance was symbolic of some certain thing, in fact, they were really religious dances, being representative of the pleasures they expected to enjoy in after life.

Like Mark Twain, the Islands were found very “appealing” and I would like again to make a visit, but this time no doubt would find them “spoiled” by civilization and the “Huapalas” would not be what they used to be.

CHAPTER V Early Days of Gambling in Marysville

FROM a Directory of the City of Marysville, published in 1855, appears the following article:

“The first public gaming house erected in this city was situated on First street, south side, between D and Maiden Lane. It was kept by James Wharton, and was known as the Round Tent. It consisted

of a series of poles inserted into the earth and covered with canvas. Others followed soon after, outvieing in the splendor of their adornments, and the inducements which they held out for the allurement of victims, among which was the El Dorado. This was erected on D street, having an L on First, and for a long time was the grand point of attraction for all the votaries of chance in this section of the country. Music sent out its charms from this great gambling centre, and artists that would now indignantly refuse to appear in any other place than the concert-room, or the theatre, hesitated not to regale the bacchanalian crowd that assembled with their most exquisite strains, batoning upon the applause that occasionally exploded from the absorbed and stultified gamblers. Musical talent, at that time, commanded the most Utopian prices. Any amateur that could torture horse hair and cat-gut into any consecutive sounds reasonably endurable, found the gambling saloon a much more remunerative field for his labor than the richest laden placer or gulch. This great maelstrom of fortune was lined with all the salacious attractions that obscene pictures and “bar decorations” could give it. Every species of gambling was here spread out to the gaze of visitors in its most winning aspect. Many an American who had left his home, and with it the early morals and inculcations that years of anxious care and solicitude had been spent to give him, shook them off, as he did the decencies that had been taught him at the fire-side, on his arrival here, and was impulsively hurried to that vortex of penury, ruin and disgrace—The Gambling Table. Every phase of this soul-destroying pestilence was practiced with all its enticing allurements. The representatives of all nations were assembled at these games of hazard; all avocations mingled in promiscuously, without regard to “distinction or color,” including the consecrated expounders of the glorious Gospel of our blessed Redeemer, and from them down to the poor, benighted Greaser, with his dilapidated serape, or the more timid son of New England, who had never before been beyond the influence and control of his mother's apron strings. All the games that the ingenuity of ages have invented for swindling “green ones” out of their senses and “loose funds,” could be found here in unadulterated perfection. The A B C—the Sweat Cloth—Faro—Monte—Props—Poker, and other inventions for “fleecing,” that none but the arch fiend, Beelzebub himself, could have dreamed of, were paraded ostentatiously before the serried throng, with all the appearance of being the pre-eminent and powerful “institutions” of the age. Everybody, from the highest functionary in the city to the most demented adventurer, was always present

to witness or take part in this extraordinary compound of vice and felony—deeming no harm in the example thus inadvertently set by them! Coin, at this time, was not sufficiently abundant to be used as a betting medium by both parties in a game and, consequently, dust in bags became, to the dignified proprietors, the pledge of chance. Those who indulged in this fascinating and intellectual amusement deposited their bags of gold with the gamesters, and drew from them the necessary amount of the circulating medium to play with, for the time, as a kind of loan—a sort of convenience to “help them out”—a loan that seldom failed to work the ultimate and speedy ruin of the parties negotiating the favor. Concentrated at this grand gambling focus, could be found a conglomeration of characters that the genius of few people, at present known in the literary world, would be adequate to describe. Hogarth and Cruikshank might look upon the picture, and wonder where to begin and be bewildered to know where to leave off. Here, naked and unmasked depravity daily, nightly, and unblushingly manifested itself—exhibiting all its horrid deformity without fear of any curtailment of its disgusting proportions. In the many of frequenters to this place could be found the speculators, traders, miners, mechanics, medical, divinity and law professors—all hovering around the insidious and delusive glare of the ignis fatuus—seldom leaving it, until consumed by its effulgency, or until returning sense had seen their brains scattered about the Plaza from the mouth of a pistol.

“The universal mania for gambling at this time was not condemned or denounced by one man in fifty, either by his absence from these altars of pollution, or an open declaration of his hatred and abhorrence of the vice. The amounts staked, and the boldness manifested in these operations, when taken into consideration at the present time, seem fabulous. The sums hazarded on the single turning of a card, to the uninitiated, exceed belief. Every saloon and table forced into this nefarious vice was daily and nightly crowded, and frequently so literally overwhelmed, that it was at the risk of physical disablement that the infatuated ventured near them. A spectator to these exciting scenes had reason to congratulate himself if he escaped with a whole skin. Immense 20 fortunes were frequently thrown into the scale of chance, and spread out to the gaping multitude with the same apparent indifference that one throws down a dollar for refreshments. In a few fleeting hours, ten thousand dollars would be lost or won, without exciting the least inconvenience to parties in

the game. It was no uncommon thing to see from \$2,000 to \$3,000 bet on the best hand at poker. Indeed, so popular had gaming become, that the progenitors of and most fortunate in the disgusting business, began to be regarded as the leaders in public affairs; and for a short time, such was their effrontery, that these “men of influence” came near controlling the destinies of the town. Hundreds of men—aye, thousands, whose paternal influences had led them to regard this, prolific mother of all vices, as a stain upon the character of man—who had left their homes by “forced means,” with weeping children, dependent and confiding wives, or doting fathers and mothers, sending aspirations to heaven for their health, prosperity and speedy return from the dreaming land of gold, where subsistence and ample means were to roll in almost unsought—could be seen at all times, directing their steps to these infamous and God-forsaken haunts. Here the first hundred or first thousand dollars earned in California speedily disappeared, and with it the ambition, honor, and self-respect of its possessor. Daniel Webster once said, on a memorable occasion, ‘This is a checkered life.’ It was so in California in '49 and '50. There is no exaggeration in this picture.”

CHAPTER VI How I was Cured of Gambling

LIKE all early day towns of California, gambling was one of the leading indoor sports of Marysville and I presume has always continued to be so, in, however, a much less degree.

As a young man, I remember that almost every saloon had gambling rooms in the rear, but there were two larger establishments which were fitted up for gambling only, faro being the principal game. One of these establishments was conducted by John Stevenson and the other by Alfred Mann, both of them being highly respected citizens and popular and with reputations of running absolutely “square” games.

I knew both of these men very well, particularly Alf Mann, as he was familiarly called; he was a very fine looking and dignified person and his wife was a handsome woman and her diamonds were the envy of other members of her sex.

To have a little diversion in the way of gambling those days was not particularly frowned upon by the general public, and quite often I used to patronize Alf's place for a little diversion of this kind;

I had a sort of sneaking, lingering fondness for playing faro; I did not play big stakes and with only more or less indifferent results.

It was in January, 1887 that, with three kindred spirits, I decided to make a visit to an 21 annual event which was held at St. Paul, known and advertised quite generally as the “St. Paul Ice Carnival”; each year they would build a large building made of blocks of ice and hold carnival therein. Having heard much of these events, my companions and I decided to pay St. Paul a visit.

Our first stop was at Portland for two days, then to Seattle and Spokane (population about 1500 then) for a day each. We then reached Butte, Montana where I got engrossed in playing faro and my companions continued on to St. Paul; as I was very considerably on the winning end of the game, I stayed over at Butte. On the third night, “Lady Luck” deserted me and my winnings of about three thousand dollars vanished into thin air and I was flat broke. I wired home for funds and returned; I had had a good time and have always considered the experience well worth while, as to this day I have never gambled at cards. In fact, I haven't played a game of card of any kind for some forty-five years; I simply lost interest in card playing thereafter.

On my trip back home, I decided to take the steamer from Portland to San Francisco. I took passage on the steamer Columbia, reached Astoria where two attempts were made to cross over the bar but the Captain each time considered it dangerous and returned and we docked for two days at the Astoria wharf. I found some kindred spirits on the steamer and we decided to give a ball on the dock. We “passed the hat” among the passengers, raised funds and had hand bills printed and circulated in town, inviting every one to a free ball. The invitations circulated were as follows:

GRAND BALL

Given by the passengers

of STEAMSHIP COLUMBIA

F. BOLLES Commander

Astoria Dock, Jan. 22, 1887.

No expense has been spared to make this the grandest social event of the season. The 21st Astoria Artillery Band of 36 pieces has been engaged for the occasion and will dispense the melodies to the terpsichorean artists, and electric arc lights will illumine the scene. All are cordially invited.

COMMITTEE OF ARRANGEMENTS:

W. G. DODD, W. N. SMITH,

GEO. W. JESSUP, J. SELLING. W. T. ELLIIS, JR.

PROGRAMME:

Waltz, Mable

Lancers, Hattie

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Schottische, Lucina

Polka, Pitti Sing

Plain Quadrille, Our Grandmother

Waltz, Astoria

Polka, Kiss Me Baby

Real Reel, Old Black Joe

Schottische, Our Sweethearts

Waltz, Love Me Darling

Saratoga, Wait'till we Cross the Bar

Waltz, Yum Yum

Farewell—Music by the Band. Iron Bars are tough, Legal Bars are tougher, Whiskey Bars are rough, But the Columbia Bar is ROUGHER.

Please consider this an invitation and ticket of admission.

We arranged with a local saloon man to have a branch bar at the wharf and he did a big business, as pretty near the whole town accepted the invitation. When the steamer crossed the bar the next day at high tide many didn't give a hang if the steamer sank or not.

CHAPTER VII The City of Marysville in Early Days

THE first City Directory of Marysville was published in Marysville under date of August, 1853 by Hale & Emory, who had a printing office at that time on the southeast corner of First and High Streets, near the bank of the Yuba River. The publishers mentioned the difficulties of compiling such a book in the new town and referred to Marysville as “the second City in California,” claiming its population as being close to ten thousand and only exceeded in size by San Francisco. At that time it was claimed that there were about 4000 pack animals and 400 wagons transporting freight out of Marysville to the mining regions and four stage lines had been established. A few years previous, the only building on the site of the town was an adobe house, the headquarters of what was called the Nye Ranch, which was destroyed by a fire in 1851 when the new “mushroom” town consisted mostly of tents and a scattering of frame buildings.

Trade and commerce really began before there was any City laid out. The City's area and all the territory lying between the Yuba and Feather Rivers, north to Honcut Creek to the base of the foothills on the east, was under the control of Theodore Cordua,

VIEW OF MARYSVILLE FROM AN OLD ENGRAVING MADE IN 1856 VIEW IS LOOKING SOUTH FROM THE PRESENT CATHOLIC CHURCH ON THE LEFT IS SHOWN A LARGE VACANT SPACE WHICH IS NOW CORTEZ SQUARE ON THE SOUTH SIDE OF THIS SQUARE CAN BE SEEN "THE CASTLE," PRESENT HOME OF THE AUTHOR AND ON THE NORTH SIDE IS THE PRESENT DELORMIER HOME IN THE CENTER OF THE PICTURE IS THE PRESENT COUNTY COURT HOUSE

YUBA COUNTY COURT HOUSE, ERECTED IN 1856

23 who had arrived in California in 1842, had visited the territory where the City of Sacramento now is and then had moved northerly to the Yuba River, after leasing from John Sutter, who had arrived in California in 1839, the area which afterwards became the City of Marysville, and then added to his possessions the larger area, mentioned above, by making an application for a private grant from the Mexican government for the additional area. It was Cordua's plan to go into the cattle business on a large scale; he called his holdings New Mecklenburg, after his old home country and was the first settler in that area.

In 1846, a Frenchman by the name of Charles Covillaud arrived at New Mecklenburg, having arrived in America at New Orleans in 1841. Covillaud first worked for Cordua as a cooper, that having been his trade in France. Cordua, experiencing difficulties in operating his ranch and disposing of his cattle, took Covillaud in as a partner in 1848 but, not being able to get along harmoniously with his partner, Cordua sold out his half interest to two new arrivals, Michael C. Nye and William M. Foster, and returned to his old home town from which he had originally emigrated. Nye, Foster and Covillaud then formed a company called Covillaud & Company and their holdings became generally known as Nye's Ranch, on the Yuba River, which in those days was spelled sometimes "Juba" and "Yubo." Covillaud bought his two partners out in 1849, the year after gold had been discovered on the Yuba River. Covillaud's new partners arrived in California from Chile in 1849 and came directly to Covillaud's holdings; one of them was Jose Manuel Ramirez, a native of that country who had been an officer in the navy of Chile in its war for independence; the other partner was John Sampson, a native of England. These two men had been attracted by the discovery

of gold and had brought with them assorted merchandise and a number of other Chilenos to work for them. That same year, Theodore Sicard also became a partner of the first three. They soon were convinced that there was the necessity of a town at the confluence of the two rivers, particularly as the Feather River was navigable to its junction with the Yuba and the Yuba River was navigable to the edge of the foothills, that having been demonstrated by a small steamer which had navigated the Yuba for a few miles to a rancho owned by a man named Rose, where there was a rich mining area called afterwards "Rose Bar." The owner of the small steamer which was called the "Linda" (from which the present Linda Township derived its name), was named Cunningham and he endeavored to interest Rose in establishing a town on his property. This fact, no doubt, was the reason that the owners of Nye's Ranch concluded to make haste and lay out a town on their property. Covillaud and his partners then engaged the services of a surveyor by the name of Auguste Le Plongeon to survey a town site and the result was the town site as Marysville is now established. Time had proved that he did an excellent job. In 1850, in the month of January, an advertisement was inserted in Sacramento and San Francisco papers, informing the public of the new town site, and inviting settlers and calling attention to the fact that it could be reached by two steamers, the 24 "Lawrence" and the "Linda" which were making regular trips to Sacramento twice a week.

An influx of people began, many coming to establish businesses of various kinds, and tents of all sizes commenced to be erected, to be followed later with wooden structures. At that same time, another town had been laid out on the west side of the Feather River and was called Yuba City, and for some time there was great rivalry between the two places. For quite a while, Yuba City had the larger population, but eventually lost out in the race, mainly because the traffic was with the mining section to the east and to cross the Feather River from Yuba City was a great hindrance. Some time later a small ferry was established but it was many years before a bridge was constructed across the river. In the meantime, a town site had been laid out about four miles south of Marysville, which was called Eliza, this because during the summer season steamers could come up to what was afterwards called Eliza Bend, when they could not reach Marysville and, for a time, it looked as if Eliza was going to win out against Marysville.

Another town site was laid out at the mouth of the Feather River and was called Vernon and for some time there was quite a population there, also at Nicolaus, about nineteen miles by river below Marysville, where tidal effect gave good navigation throughout the year. Still another town site which was laid out on the Feather was named Fremont; in time Fremont and Eliza became memories, but Nicolaus and Vernon still retain their names on the map. At a large ranch, about six miles south of Yuba City, Captain John Sutter maintained part-time headquarters when he was not at Sutter's Fort at Sacramento; this ranch he called Hock Farm and raised wine grapes there; for many years, the small round iron fort he maintained on the ranch, near the river bank, as a protection against the Indians was in existence. It was destroyed by a break in the levee there in 1907; the remains of this old iron fort are now used as a background for a placque, commemorating the memory of Hock Farm.

After Marysville was first laid out by Covillaud and his partners (it was then called Yubaville), there were practically no established laws and crime became more or less rampant; it was about this time (1850) that a new arrival appeared on the scene, who afterward became first "Alcalde" (Spanish for Mayor). He was Stephen J. Field, who later was Justice of the Peace, then State Assemblyman, then State Supreme Court Justice, and still later, for many years, Associate Justice of the United States Supreme Court.

I have attempted herein to briefly touch on the early history of Marysville, gleaned largely from the various old City Directories still in existence in the City Library; from Judge Field's own book, and from tales told me by my father, who was well acquainted with Judge Field.

A few years ago, Professor Earl Ramey of the Marysville Junior College did an immense amount of research work on the early history of Marysville and published a book of one hundred pages sponsored by the California Historical Society of San Francisco. The book is entitled "The Beginnings of Marysville." Professor Ramey commences with information from a diary of Jedediah Strong Smith who was the first known visitor to the site of Marysville in 1828. Smith had journeyed overland to California with a number of trappers; from there on, Professor Ramey brings out a lot of very interesting "ancient" history up to about 1860 or about six years before I first put in

my appearance in Marysville, which was in 1866. I have endeavored to “carry on” from where Professor Ramey's book left off.

I have seen many changes in Marysville during my life time. Marysville, as I remember it as a small lad, had the built-up business and residential section practically all south of 9th Street and east of F Street, which about marked the boundary of the lake, which in those days extended north and south entirely through the City and to the north and west of the lake. There were a few scattered houses south of 8th Street, while to the north, that area was called “the plains,” streets were not laid out, there were no fences and one could walk or drive in any direction. Crossing the lake was a narrow street on 5th Street and another on E Street. Both of these streets had elevated wooden bridges for sidewalks, and there was another elevated wooden bridge on 8th Street, between E and F Streets.

The only worth-while and substantially built residences on the west side of the “slough” were the very fine residence built by John C. Fall at the southwest corner of 7th and G Streets, now owned by Mr. Richard Belcher; on the southwest corner of 8th and G Streets a two story brick residence owned by Sheriff Matt Woods, where the Arthur Chase residence is now situated, and across the street from these two residences a two story brick residence, for many years owned by Colonel J. B. Fuller, where the present playground of the Primary School is now located. Where are now situated such buildings as the Elk's Club, Memorial Auditorium, Dunning Rideout Residence, Diamond Match Company plant, W. S. o'Brien residence, Anderson Tractor Company's buildings and the City's Sewage pump plant at F and 2nd Streets was all lake area. The lake was quite wide between 8th and 10th Streets, the south bank being on the north side of my father's large yard where some forty-five years ago I planted a row of palm trees within ten feet of the lake bank; these palm trees are now there, very tall, and are on the south line of the residence now owned by Dr. E. E. Gray. Across the street from my father's home, on the bank of the lake, there were several Indian “tepees,” where a number of “Bucks,” “Mahales” and their children camped, mostly in the winter months, as during the summer months they would go to the mountains to hunt and fish. During the summers, at the edge of the foothills, there usually were large quantities of grasshoppers and “when they were in season,” the Indians would gather up large quantities in sacks, dip them in water to drown them,

and spread them out to dry. Then the women would grind them up into a fine powder and use it for “flour” to make pancakes; they were considered a great delicacy.

Directly across the street from my father's home, there was a small cottage at the 26 northeast corner of D and 8th Streets (where the Swain residence now is) and this cottage was for quite a long time the residence of Stephen J. Field. This small cottage was moved by Mr. Swain and is now located at about C and 18th Streets. I have always understood that the lumber used in its construction came from the east, “around The Horn.”

Some 40 years ago, the Southern Pacific Railroad built their present track on 9th Street, which was at that time an earth embankment in the center of the lake, where the present curve of the track now is, leading to E Street. The County Hospital in those early days was a two story brick building, situated close to the south bank of Simmerly Slough, about two blocks northeast of the present Hospital buildings. The Marysville of today presents an entirely different picture than I remember it in those days, and I can visualize even greater improvements when, some day not far distant, the few remaining residence lots west of E Street will have homes on them and the large area east of A Street will also be a large residential section. This will commence when some day the City authorities realize that the City itself must take the initiative and force the removal of many unsightly shacks in that area, encourage the planting of shade trees and improve the streets, which the City could well afford to do at its own expense to encourage home building which will result in increased assessment rolls which will eventually reimburse the City for that expenditure. When I was Mayor, some 43 years ago, had not the City taken the initiative in causing to be filled all of the lake between 9th and 2nd Streets, there would not have been the development on the west side of that lake area which now exists there. It is unfortunate, but so many people require such a long time to adjust themselves to new ideas; many influences tend to frustrate and stop the use of ideas, very largely because of lack of vision. I still hope that the aim and desires of “The East Side Improvement Club” will eventually materialize.

CHAPTER VIII Judge Stephen J. Field

THE site of the City of Marysville was first obtained from the Mexican Government by Theodore Cordua and later on he obtained a private grant of “seven leagues lying just north of his lease” which took in practically all the territory bounded on the south by the Yuba River, on the west by the Feather River, and on the north by Honcut Creek. He then started in the stock business, planning to have his main market for his products at Mexico. This was in the year 1842. He had known of the gold discovery near San Fernando in 1842, and in March, 1848, while visiting at the new Helvetia Rancho, was shown some of the newly mined gold from Coloma on the American River but was not very much impressed, assuming that the American River mines would be of no great importance. During the month of June, 1848 gold was discovered 27 also at several places on the Yuba River. In the year 1841 Charles Covillaud, a Frenchman born at Cognac, France arrived in America in the year 1841, landing at New Orleans where he lived for two years. In 1843 he went north to St. Louis, Missouri and engaged in a trading enterprise. In 1846 he joined a party of trappers who were coming overland to California and in October of the same year came to the future site of Marysville and worked for Cordua. In June, 1848 he was among the first to mine on the Yuba after discovery of gold there, and operated a good claim. In October, 1848 Cordua decided he would be unable to operate his Rancho alone and took Covillaud in as a partner, the latter becoming half owner in the Cordua interests; still later on he became associated with Theodore Sicard and others in operating their large properties and also doing mining. The Christmas of 1848 Charles Covillaud married Mary Murphy, a sister of Mrs. Nye and of Mrs. Foster, survivor of the Donner Party. About that time the “Gold Rush” had started.

I might mention here that William H. Parks, in the spring of 1849, came to California overland and settled at Rose Bar on the Yuba River and constructed a dam across the River at that point to facilitate mining during the drier months, and also set up a store at the Bar and commenced operating pack trains from Marysville to give supplies to the diggings. He was very active in the new town which was afterwards established on the present site of Marysville and he was one of the pioneers who founded Downieville but later he returned to Marysville where he had a long and prominent political career becoming one of the town's most noted citizens, second only to Stephen J. Field.

It soon became apparent to various people that a town-site should be laid out. Among those first decided on was the town to be known as Linda, also another one on the present site of Yuba City. At that time a French surveyor named Auguste Le Plongeon arrived; he was a surveyor and was responsible for the laying out of the town-site of Marysville which already had quite a large population living mostly in tents. It was in 1850 that the site of Yuba City had a larger estimated population than Marysville and it was in that year that John H. Jewett and Horace Beach arrived in Yuba City from Sacramento with a train of pack mules and a stock of merchandise. It took them about a week to decide whether they should establish their business in the site of Yuba City or the site of Marysville, but finally they decided to settle on the east bank of the river and swam the Feather River with their mules and settled in Marysville where they established a profitable business.

It was in December, 1849 that Stephen J. Field arrived at San Francisco and after a short attempt to practice as an attorney, decided to establish himself in the newly laid out town of Vernon (at the mouth of the Feather River); but when he arrived at the site of Vernon, flood waters covered almost the entire territory, so he decided to come to the new town of Marysville (at that time called "Jubaville" which previously had been called Nye's Ranch), the town-site having just been laid out. Judge Field describes his arrival in his "Memoirs" as follows:

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"No sooner had the vessel (Lawrence) struck the landing at Nye's Ranch than all the passengers, some forty or fifty in number, as if moved by a common impulse, started for an old adobe building, which stood upon the bank of the river, and near which were numerous tents. Judging by the number of the tents, there must have been from five hundred to a thousand people there. When we reached the adobe and entered the principal room, we saw a map spread out upon the counter, containing the plan of a town, which was called "Yubaville," and a man standing behind it, crying out, "Gentlemen, put your names down; put your names down, all you that want lots." He seemed to address himself to me, and I asked the price of the lots. He answered, "Two hundred and fifty dollars each for lots 80 by 160 feet." I replied, "But suppose a man puts his name down and

afterwards don't want the lots?" He rejoined, "Oh, you need not take them if you don't want them; put your names down, gentlemen, you that want lots." I took him at his word and wrote my name down for sixty-five lots, aggregating in all \$16,250. This produced a great sensation. To the best of my recollection I had only about twenty dollars left of what Col. Stevenson had paid me; but it was immediately noised about that a great capitalist had come up from San Francisco to invest in lots in the rising town. The consequence was that the proprietors of the place waited upon me and showed me great attention."

The proprietors of the new town-site engaged Field to draw a conveyance which would place them in possession of the equity Sutter might claim in the town-site and Sutter shortly after came to Marysville and signed a document selling his interests to Charles Covillaud, Jose Manuel Ramirez, Theodore Sicard and John Sampson, for \$10,000. This was all that tract of land included in the territory granted to him by the Governor of California. A few days after this was accomplished, a mass meeting was held at the town's headquarters, and it was resolved to hold a general election that same day to select officers for a temporary local government to be patterned after the prevailing Mexican type. Field managed to get his name placed in nomination for first Alcalde, the most important office. His opponent was C. B. Dodson of Illinois. It was a campaign of only a few hours and Field won by 9 votes, largely through the activities and influence brought to bear by William H. Parks. Shortly after, it was decided that the name Yubaville, which many called Jubaville, was not liked, very largely because the name of Yuba City had been already adopted for the town on the west bank of the Feather River. At a mass meeting to decide upon a new name, various names were suggested but finally one man arose and in quite an impressive and effective speech proposed that the town be named in honor of Mrs. Mary Covillaud, the wife of one of the proprietors, a member of the famous Donner Party and the first white woman to be in Marysville. His suggestion prevailed and the name of Marysville was adopted for the new town.

Field as Alcalde was practically the whole government, notwithstanding the fact that they had a town council which there is no record of ever having had a meeting. 29 Field and his clerk, Lorenzo Babb, ran the business of the City and shortly afterwards Field was also appointed Justice of the Peace and so became the arbitrator of all disputes of various kinds. Field afterwards became very

prominent throughout the State, later on becoming a member of the Legislature, State Supreme Court and finally presiding Justice of the Supreme Court of the United States which latter position he held for a great many years.

In Field's "Memoirs" he describes many amusing and interesting experiences which he had in Marysville as Alcalde; for example, "One morning, about five o'clock, a man tapped at my window, and cried, 'Alcalde, Alcalde, there has been a robbery, and you are wanted.' I got up at once, and while I was dressing he told his story. Nearly every one in those days lived in a tent and had his gold dust with him. The man, who proved to be Gildersleeve, the famous runner, upon going to bed the previous evening had placed several pounds of gold dust in his trunk, which was not locked. In the night some one had cut through his tent and taken the gold dust. I asked him if he suspected anybody; and he named two men, and gave such reasons for his suspicion that I immediately dictated a warrant for their arrest; and in a short time the two men were arrested and brought before me. The gold dust was found on one of them. I immediately called a grand jury, by whom he was indicted. I then called a petit jury, and assigned counsel for the prisoner. He was immediately placed upon his trial, and was convicted. The whole proceeding occupied only a part of the day. There was a great crowd and much excitement, and some talk of lynching. Curiously enough, my real trouble did not commence until after the conviction. What was to be done with the prisoner? How was he to be punished? Imposing a fine would not answer; and, if he had been discharged, the crowd would have immediately hung him. When at San Francisco, Mayor Geary of that place told me if I would send my convicts to him, with money enough to pay for a ball and chain for each one, he would put them in the chain-gang. But at that time the price of passage by steamer from Marysville to San Francisco was fifty dollars, which, with the expense of an officer to accompany the prisoner, and the price of a ball and chain, would have amounted to a much larger sum than the prosecution could afford; so it was clearly impracticable to think of sending him to San Francisco. Nor is it at all likely that the people would have consented to his removal. Under these circumstances there was but one course to pursue, and, however repugnant it was to my feelings to adopt it, I believe it was the only thing that saved the man's life. I ordered him to be publicly whipped with fifty lashes, and added that if he were found, within the next two years, in

the vicinity of Marysville, he should again be whipped. I, however, privately ordered a physician to be present so as to see that no unnecessary severity was practiced. In accordance with this sentence, the fellow was immediately taken out and flogged; and that was the last seen of him in that region. He went off and never came back. The latter part of the sentence, however, was supererogatory; for there was something so degrading in a public whipping, that I have never known a man thus whipped 30 who would stay longer than he could help, or ever desire to return. However this may have been, the sense of justice of the community was satisfied. No blood had been shed; there had been no hanging; yet a severe public example had been given.”

CHAPTER IX Gold Dust Shipments from Marysville

FROM an old Marysville City Directory, printed in 1858, appears the following:

“GOLD DUST BUSINESS OF MARYSVILLE”

“The gold dust business for the last year was very considerable, as figures below show that very nearly half of the shipments in 1858 to the Atlantic Cities were made of the gold dust purchased and shipped by Low Bros. & Company, Reynolds Bros., and Mark Brumagin & Co., all bankers of our City; —”

Total amount of Gold Dust shipped by above Bankers in 1857 \$10,175,000.00

Total amount shipped from January 1st to June 31st, 1858 \$4,350,000.00

Total amount in a year and a half, \$14,525,000.00

In recent years, since records have been kept by the State Division of Mines, for the last eighteen years Yuba County has been the largest gold producing County in the State with the exception of six of those years.

CHAPTER X Religion in Marysville in Early Days and Schools

IT IS of record in an old City Directory printed in 1855, that the first preaching in Marysville was by Rev. Mr. Washburn who conducted services on Sundays on an old barge on the Yuba River near the foot of D Street in 1850. He and his wife conducted a small lodging house, where she attended to the house and kitchen management, while on week days the husband conducted a faro game in a rear room back of the bar of the hotel. This story was denied in later years, it being claimed that Mr. Washburn had a son, who opened a saloon next to his father's hotel, much to the objections of his father. Which story is true is of course impossible to prove but I believe that "history" should give Washburn Senior the benefit of the doubt.

In the Marysville City Directory of 1857, appears the following; —

"The first preaching in Marysville (if we except the exhortations of an old

ST. JOSEPH's CHURCH, ERECTED IN 1856

ST. JOHN's EPISCOPAL CHURCH, ERECTED IN 1855

31 gentleman who used to hold forth occasionally in the Spring of 1850, under an old oak on the Plaza), was in the summer of that year, by Rev. Mr. Wilson, a clergyman of the Methodist denomination. The congregation met in a wooden building on D Street until 1852, under the preaching of Mr. Wilson at first, and subsequently of Rev. Messrs. Burnell and Bryer. The present brick house of worship, corner of Fourth and E Streets, is a neat edifice and was built by this congregation in 1852, principally by the exertions of Mr. Bryer. In the fall of 1850, a Presbyterian congregation was formed, and met at the Masonic Hall, until in 1851, a small wooden church was erected by them. Rev. J. W. Bryer was their first pastor. In 1854, their church was destroyed by fire, and a new site was purchased at the corner of D and Fifth Streets. In the east end of the lot, which is eighty by one hundred and sixty feet in extent, a small brick edifice has been erected, which is now used for a place of worship. The following year, the present handsome structure was erected with a bell and very large clock, with faces on all four sides of the tall spire. The arrangement for part of the financing of this structure is interesting; a campaign for funds was launched, the slogan of

which was “Buy a shingle for the spire,” and from all parts of California came contributions of \$20 with which to “buy a shingle” and the financing in the sum of \$33,000 was accomplished promptly.

“The Episcopal congregation was formed in 1854 and Rev. E. W. Hager chosen Rector. St. John's, a fine brick church, was erected, mainly by the energy and influence of Mr. Hager, in the latter part of 1855, on the corner of E and Fifth Streets (it is still there).

“The Catholic pastor, Rev. Peter Magagnotto, organized a church here, in the fall of 1852. A wooden church was built in 1853 and occupied until the elegant brick structure of St. Joseph's Church was completed in 1856. This is by far the most expensive church edifice in this part of the State and when its Gothic spire is completed will be a great ornament to the City.” NOTE (This is the same very fine edifice, always kept in wonderful repair, at 7th and C Streets and, at this writing, presided over by Monsignor Patrick Guerin).

“Common schools, sufficient to meet the wants of the City, are fostered and sustained by the excellent school system of the State. Miss Wells, a most estimable lady, and a superior teacher, has recently opened an academy for young ladies in which all the higher branches, with music, drawing, painting, etc., are taught.

“The Sisters of Notre Dame have also opened a similar institution, but on a more extensive scale, in a large three-story edifice, erected for the purpose.” (Since that time, this institution has greatly expanded and now is a very prominent and popular educational school and is accredited to the University of California; the plant occupies an entire City block.)

As a young boy, I well remember Bishop Patrick o'Connell of the Catholic church; at that time Marysville was the head of the Diocese; in later years, it was moved to Sacramento. The Catholic Church was only two blocks from my father's home and father 32 and the Bishop were good friends and quite often father would invite the Bishop to take dinner with our family. The Bishop was rather small in stature, exceedingly affable and had a wonderful fund of humor and the family always enjoyed his visits. I also enjoyed seeing him come to dinner but for perhaps a reprehensible reason. When the Bishop came for dinner, champagne was always served and when dinner was

over and every one retired to the parlor, I would remain in the dining room and before our Chinese cook Jack cleared off the table, I would watch my chance and empty any glasses which might have some champagne left in them. When the Bishop would take his departure, he would always place his hand on my head and say to me, “Always be a good boy, William,” and William would always feel a little guilty when he answered “Yes, sir,” with possibly a glass of champagne in his “tummie” which he had sneaked from the dinner table.

CHAPTER XI Early Day Theatrical Amusements in Marysville

IN THE Marysville City Directory of 1859, appears the following:

“Amusements are in a less flourishing condition with us than formerly, which is doubtless attributable to the fact that we seldom see fair talent in the various companies of strollers who, from time to time, pitch their tents with us. The first entertainment ever given in Marysville was by Mr. H. Rossitter, and consisted of a few legerdemain tricks and slack wire dancing. The entertainment was given in the winter of 1850, in the ball room of the St. Charles Hotel, corner of D and Third Streets. Early in the summer of 1881, Dr. Robinson opened a spacious canvas theatre on the corner of High and Second Streets, with a fair vaudeville company, and was very successful. Following him came James Stark, the California Tragedian, supported by Nesbitt McCron, an English actor of much merit, and Mrs. J. H. Kirby, now Mrs. Stark. The season was good for both managers and audiences. In 1852, the somewhat celebrated George Chapman furnished some economical theatricals in a small room on First Street. In October of the same year, C. E. Bingham visited Marysville with a company, and held forth in the bath-house, corner of D and First Streets. His success was such that it was thought a theatre might be sustained—but who would build it? It might be a failure, and money was paying five per cent per month interest. At last, two enterprising citizens, Seymour Pixley, Esq., architect, and William W. Smith, Esq., then Clerk of the City, entered upon the experiment. A neat and tastefully decorated theatre was completed in December, and opened by Mr. Bingham, who, though himself a good actor, had collected around him a company more numerous than talented. He did well for two months, which is a long season for a

small town. This theatre was destroyed by fire and the present brick one was erected on its ruins by R. A. Eddy, Esq.; it is now owned by J. S. Eshom, Esq.”

PRESBYTERIAN CHURCH, ERECTED IN 1855

CONVENT OF NOTRE DAME, FOUNDED IN 1856

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The City Directory of 1855 states that “this theatre was constructed at an expense of \$24,000.” “There are about six hundred seats in the house, each affording an uninterrupted sight of the stage.”

All the noted actors and actresses of world-wide reputation later appeared at this theatre; there are still in existence in Marysville large theatrical posters advising of the coming of Edwin Booth and other famous actors. Marysville was always known as a good patron of theatricals. In later days when the best shows from New York went on tour, playing only the large cities, when they had completed an engagement of from one to two weeks at San Francisco, with the next big town being Portland, they would almost invariably stop off for a one night show at Marysville, and “pass up” Sacramento. There were two reasons for this: first, Marysville had the reputation of giving liberal patronage; and second, no time was lost, as the train would reach Marysville at five p.m. and the next train north left about midnight, so the show had ample time to give their entertainment and be on their way north on the same day, but if they showed at Sacramento, they would not have time to catch this night train and had to stay over one day there. Of these high class shows, Marysville would average about two a month. At this same time, other cheaper shows made regular circuits. They presented lurid melodramas which were highly popular, their prices usually being 10c, 20c and 30c, and their usual run in a town was one week, with a different melodrama each night; they always did a good business.

In those days the “gallery gods” were rather a tough and independent lot and never refrained from expressing their pleasure or displeasure in a very marked degree when, in their opinion, either was required. Of the better shows, a very popular pair of actors was Miss Nance o'Neill and Mr. McKee Rankin. They were giving a very excellent show one evening when, in one of the scenes, the play

called for Miss o'Neill to be kissed several times by her leading man, and each time this occurred, immediately a lot of loud, resounding "smacks," sounding like kisses, emanated from the gallery. When the curtain went down after that act, Miss o'Neill came out before the curtain and expressed herself in no uncertain terms regarding the boorishness of the people in the gallery; she was "sure mad" and she "put it over" so well that the large audience gave her a great ovation and there were no more unpleasant experiences that evening.

A few years later, however, she returned with another high class show; but, on this occasion, it was very evident that she had been indulging too much in the "cup that cheers" before the performance, and the gallery again "held forth" and the show was a "flop." The following morning, an editorial appeared in the Appeal, entitled, "Oh, Nance! How could you?" written by the proprietor, F. W. Johnson, which was very clever and most amusing. The result was that Nance never came to Marysville again.

It was about this time that complaints became rather numerous about the gallery patrons. At this time, the theatre was managed by Mr. Frank Atkins, who endeavored to keep the gallery more circumspect by having a couple of special policemen present, 34 but without much avail. I spoke about the matter to Atkins one day and he told me that he had special police up in the gallery but, as the gallery was rather dark, it was impossible for these two officers to locate the guilty parties and, of course, no one up there would give information. Atkins said, "I am doing my best, but really, Ellis, you don't know what a real tough gallery is like; why, before I came to Marysville, I managed a theatre for several years at Oroville and we used to have some vaudeville and minstrel shows but what the people liked best were good old melodramas. At one time," said Atkins, "one of those 15c, 25c and 35c shows was holding forth for a week, a different show each evening. In one of the shows there was a beautiful young heroine who lived in a small mountain village, and it happened that she was one day pursued by the villain of the play; the heroine escaped from him and fled to a lonely old mountain cabin, in which she barricaded herself; the villain was gradually forcing in the old door of the cabin when the heroine looked out a window and, in a most pleading voice, exclaimed, 'What can I do to save my honor?'" "Just at that moment," Atkins said, "a big Hill Billy who was taking the show very seriously, and was very much wrought up by the predicament

of the heroine, rose from his seat in the gallery and shouted to the girl in an extremely loud and excited voice, 'Cross your legs' "Well," Said Atkins, "the audience was convulsed; order could not be maintained and finally the audience was dismissed for that evening; and," added Atkins, "no one wanted their money back at the box office when they went out, evidently everyone had their 'money's worth.' So," said Atkins, "don't you fellows complain about the Marysville gallery. You just don't know what a real tough gallery is like."

CHAPTER XII The Marysville Bar in Early Days

THE disciples of the law played a very important part in the history of Yuba County and much of its success was due to the efforts of those gentlemen. The Bar of Yuba has always been, and is now, justly celebrated for the learning, culture and ability of its members, and has given to the country many who achieved a national reputation in the higher walks of political and judicial life.

In the following list, the date immediately following the name is the year in which practice was commenced at the Bar in Yuba County. Names are given only of those who commenced practice prior to 1870.

SIDNEY ABELL, 1854. Came from New York.

L. J. ASHFORD, 1861. From Canada. Associate Justice of Court of Sessions, 1860. Admitted to the Bar here in 1861.

STEPHEN J. FIELD, FIRST ALCALDE OF MARYSVILLE

BELCHER BROTHERS, ATTORNEYS AT LAW ESTABLISHED IN 1856 OFFICE AT 230 D STREET, MARYSVILLE W. C. BELCHER I. S. BELCHER RICHARD BELCHER, SON OF I. S. BELCHER Successor to the Old Firm at the Old Location

FRANCIS L. AUDE, 1850-62. Born in Kentucky. Came from Missouri. Supervisor, 1857. Member of the Assembly; 1858-59. Went to Virginia City in 1862, and from there to San Francisco.

W. T. BARBOUR, 1851-60. From Kentucky. District Judge here from 1852 to 1858. Went to Virginia City in 1860, where he died.

F. BARNARD, 1851-57. From New York. Died at Parks' Bar, 1857.

R. BARNARD, 1853. From New York. Died here in 1856.

G. G. BARNARD, 1853-54. From New York. Returned to New York in 1854. Became Recorder of New York City, and Judge of the Superior Court in that City, and was impeached for complicity in the Tammany frauds in 1873.

I. S. BELCHER, 1853. From Vermont. District Attorney, 1856-57. City Attorney, 1859. District Judge, 1864-69. Justice of the Supreme Court, 1870. Chief Commissioner of Supreme Court, 1885-98.

WILLIAM C. BELCHER, 1856. From Vermont. City Attorney, 1858. School Commissioner, 1868-69 and 1872-77.

J. C. BLACK, 1863-64. From—. Moved to San Jose in 1864.

S. M. BLISS, 1851. From Pennsylvania. Member of Court of Sessions, 1853. County Judge, 1854-58, 1868-75, and 1877-79. District Judge, 1859-63.

CHARLES H. BRYAN, 1851-60. From Ohio. District Attorney, 1852. Member of State Senate, 1854. Justice Supreme Court, 1855. Went to Virginia City, 1860. Died at Carson City, 1878.

W. C. BURNETT, 1854-58. From New York. State Senator, 1856-57. Went to San Francisco, 1858, and was City and County Attorney there.

NICHOLAS CARROLL, 1854-55. From New York. Died in San Francisco.

TIMOTHY DAME, 1859-61. From Indiana. Went to San Jose in 1861.

M. VAN B. DAUBY, 1852-56. From New York. Died here in 1856.

CHARLES E. DELONG, 1857-63. From New York. Member of Assembly, 1858-59. State Senator, 1861-62. Went to Virginia City, 1863. Minister to Japan, 1869. Died in 1877.

FRANCIS J. DUNN, 1852-57. From Wisconsin. Born in Kentucky. Went to Nevada County in 1857, where he died in 1872.

J. G. EASTMAN, 1864-72. From Ohio. City Attorney, 1870-71. Moved to San Francisco, 1872.

B. E. S. ELY, 1858-59. From Pennsylvania. Member of Assembly, 1858.

STEPHEN J. FIELD, 1850-63. From New York. First Alcalde of Marysville, 1850. Member of Assembly, 1851. Justice Supreme Court, 1859, which position he held for 36 many years. United States Circuit Judge, California, 1863. Was elevated to the Supreme Bench of the United States in 1863. He was a brother of Cyrus W. and David Dudley Field.

CHARLES E. FILKINS, 1851-75. From New York. County Judge, 1861. City Attorney, 1873. Died in Marysville, 1876.

J. J. FOSTER, 1854-60. From Tennessee. Went to Virginia City, 1860. Died in Austin, Nevada, in 1867.

JESSE O. GOODWIN, 1850. From New York. District Attorney, 1850-51. Supervisor, 1855. State Senator, 1857-58 and 1878-79. City Recorder, 1859. County Judge, 1862-67. Died, 1879.

GEORGE C. GORHAM, 1859-60. Was admitted here but never practiced. Editor of the Marysville Daily Enquirer, 1855-56, and the Marysville National Democrat, 1859. On the San Francisco

Nation, 1860, and the Sacramento Union, 1861. Clerk in United States District Court, 1865-67. Candidate for Governor, 1867. Secretary United States Senate, 1868-79. Secretary National Republican Executive Committee, 1876.

E. O. F. HASTINGS, 1861-62. From Ohio. At one time a Member of the Assembly. Register United States Land Office, 1859. Moved to Washington, 1862.

FRANCIS L. HATCH, 1854-63. From Texas. District Attorney, 1858-61. Went to Santa Clara County, 1863. Was County Judge of Colusa County.

HENRY P. HAUN, 1850-61. From Iowa. Born in Kentucky. County Judge, 1850-53. United States Senator to fill Broderick's unexpired term, 1860. Died in Marysville, 1861.

DAVID L. HAUN, 1858-62. From Kentucky. Member of Assembly, 1861. Went to Plumas County in 1862, where he was District Attorney.

CHARLES G. HUBBARD, 1858-65. From New York. Moved to San Francisco in 1865.

A. C. HUSTON, 1854-56. From New York. Was killed in the Nicaragua expedition, 1856.

PHIL. W. KEYSER, 1850. From Maryland. Alcalde of Eliz, 1850. Postmaster Marysville, 1852. County Judge of Sutter County, 1860-63, 1867-71. District Judge, 1870-79.

CHARLES KEYSER, 1858-61. From Maryland. Went to Nevada, 1861.

WILLIAM B. LATHAM, 1866-67. From Ohio. Went to San Francisco in 1867.

CHARLES LINDLY, 1854-62. From Illinois. Born in Kentucky. County Clerk and Recorder, 1852-53. City Attorney, 1856-57. Receiver United States Land Office, 1858. County Judge, 1859-62. Went to Virginia City, 1862. Code Commissioner, 1871-72.

ALFRED A. MACE, 1860-63. From France. Went to Virginia City, 1863. Died in San Francisco.

CHARLES E. DELONG MEMBER OF MARYSVILLE BAR 1857-63 MEMBER OF ASSEMBLY 1858-59 STATE SENATOR 1861-62 MINISTER TO JAPAN 1869

WILLIAM WALKER "THE GRAY-EYED MAN OF DESTINY" ATTORNEY IN MARYSVILLE, 1851-53 LEADER OF THE FILIBUSTERING EXPEDITION IN LOWER CALIFORNIA, 1853-54 EDITOR IN SACRAMENTO IN 1855 LEADER OF THE FILIBUSTER INVASION OF NICARAGUA WHERE HE WAS CAPTURED AND SHOT ON SEPTEMBER 12TH, 1860

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LLOYD MAGRUDER, 1858-63. From Arkansas. County Clerk, 1856-57. Member of the Assembly, 1861. Killed by highwaymen in Washington Territory in 1863.

E. C. MARSHALL, 1854-56. From Ohio. Born in Kentucky. Member of Congress, 1853. Returned to Ohio, 1856.

LEONIDAS MARTIN, 1850-56. From Alabama. District Attorney, 1854-55. Returned to Alabama in 1856. Was appointed Minister to Valparaiso, where he soon after died.

GEORGE MAY, 1858-71. From Missouri. Went to the lower part of the State in 1871.

F. J. MCCANN, 1850-70. From Kentucky. Born in Maryland. County Judge, Sierra County, 1856. District Attorney, 1864-65. Went to Santa Cruz in 1870.

JOHN T. MCCARTY, 1850-59. From Indiana. City Recorder, 1857-58. Died here in, 1859.

J. W. MCCORKLE, 1850-63. From Ohio. Member of the Legislature, 1851. Elected to Congress, 1851. Moved to Virginia City, 1863. Went to San Francisco, 1868.

R. H. MCDANIEL, JR., 1861-68. From Mississippi. Died in Marysville in 1868.

W. H. MCGREW, 1861. Admitted here. Lived in Sutter County.

I. C. MCQUAID, 1852-59. From Ohio. Moved to Sutter County, 1859. District Attorney Sutter County, 1859-63.

J. A. MCQUAID, 1857-64. From Ohio. Moved to Virginia City, 1864.

R. R. MERRILL, 1857-73. From Ohio. District Attorney, 1866-69. Died at Marysville in 1873.

R. S. MESICK, 1851-63. From New York. State Senator, 1857. Moved to Virginia City, 1863. Was District Judge in Nevada.

WM. S. MESICK, 1854-60. From New York. Went to Virginia City, 1860.

R. C. MILNE, 1858-60. From Vermont. Died in Marysville in 1860.

HENRY K. MITCHELL, 1856-63. From New York. Moved to Virginia City, 1863.

JOHN H. MITCHELL, 1850-51. Died in Marysville in 1851.

ZACH MONTGOMERY, 1854-64. From Kentucky. Member of the Assembly, 1860. Went to San Francisco in 1864. Editor Occident and Vanguard, 1864. Was a member of the Legislature.

GORDON N. MOTT, 1850-60. From Ohio. Served in the Mexican war. First County Judge of Sutter County. District Judge, 1851. City Recorder, 1855. Appointed Judge of the Supreme Court in Nevada, 1861. Delegate to Congress, 1863-64. Court Commissioner, 19th District, San Francisco, 1874.

SAMUEL B. MULFORD, 1850-63. From Pennsylvania. District Attorney, 1850. City Recorder, 1856. Died at Marysville, 1863.

WM. G. MURPHY, 1863. From Tennessee. District Attorney, 1870-72. City Attorney, 1875-79. Went to Virginia City in 1863 and returned in 1866.

H. L. PIERSON, 1869-78. From Louisiana. Lived in Sutter County. Died in 1878.

JAMES MCC. REARDON, 1857-75. From Maryland. Went to Virginia City, 1861. Clerk Supreme Court, Nevada, 1863. Returned to Marysville in 1867, where he died in 1875.

T. B. REARDON, 1851-63. From Maryland. County Clerk Sutter County, 1850-51. County Judge, Sutter County, 1851-52. Went to Virginia City, 1863. Then District Judge Fourteenth California District.

GEORGE ROWE, 1850-73. From Ohio. County Treasurer, 1851-54. District Attorney, 1862-63. Died in Marysville in 1873.

WALLACE ROWE, 1860-62. Admitted to the Bar here. Died in 1862.

OSCAR ROWE, 1868. Admitted here and went to Texas.

D. R. SAMPLE, 1863-65. From Indiana. Went to Sacramento in 1865 where he afterwards died.

S. P. SEMPER, 1861-73. From England. Admitted here, but did not practice. Died in Marysville in 1873.

EZRA K. SHERWOOD, 1855-56. From New York. Was killed by accident in 1856.

ELWOOD P. SINE, 1861-63. From Indiana. Went to Nevada in 1863.

WM. SINGER, 1854. From Missouri. Born in Pennsylvania. Justice of Court of Sessions, 1853-55 and 1857-59. Mayor of Marysville, 1858-59.

WM. F. SMITH, 1855-56. From New York. Went to San Francisco in 1856.

S. B. SMITH, 1855-61. From New York. Was a Commissioner of the Indian War Debt. Left Marysville in 1861.

GABRIEL N. SWEZY, 1850-75. From New York. District Attorney, 1853. City Attorney, 1856. Member of the Assembly, 1857. Died in Marysville in 1875.

JOSEPH TIDBALL, 1858-60. From Virginia. Died in Marysville in 1860.

WM. R. TURNER, 1850-51. From Mississippi. District Judge, 1850. in 1851 of Humboldt District, 1851-56. Died in Humboldt County.

PETER VAN CLIEF, 1870-78. From Ohio. Moved to San Francisco in 1878.

WM. WALKER, 1851-53. From Tennessee. Editor of San Francisco Herald, 1850. Leader of the filibustering expedition to Lower California in 1853-54. Editor in Sacramento in 1855. Leader of the celebrated invasion of Nicaragua, where he was captured and shot September 12, 1860. He was known as "the Gray-eyed Man of Destiny."

HENRY P. WATKINS, 1850-63. From Missouri. Born in Kentucky. District Attorney, 1850. Second in command of the Lower California expedition, 1853-54. State Senator, 1860-61. Moved to Alameda County, where he died about 1876.

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E. D. WHEELER, 1858-60. From New York. County Clerk and Recorder, 1851. State Senator, 1859. Became District Judge in San Francisco in 1870.

N. E. WHITESIDES, 1851-76. From Illinois. Speaker of the Assembly, 1858. Died in Marysville in 1876.

W. P. WILKINS, 1856-57. From North Carolina.

W. L. WILLIS, 1853-55. From Alabama. Born in Tennessee. Died in Marysville in 1855.

GILBERT E. WINTERS, 1852-55. From Ohio. Mayor in 1854. Died in Marysville in 1855.

Every one of the above has long since passed away leaving no successors to “carry on” except I. S. Belcher, whose son, Richard Belcher, has been and still is a leading Attorney of Marysville for many years, occupying the same offices as did his father and uncle, in the early days, at 228 1/2 D Street; a worthy son of an illustrious sire and who upholds the traditions of the old firm of Belcher Brothers.

CHAPTER XIII Early Day Railroads, Steamboats and Stages

THE first constructed railroad in Yuba County was the California Northern Railroad. Ground was broken January 22, 1861 and the road was completed between Marysville and Oroville on February 15, 1864. This road was incorporated on June 29, 1860 with a capital stock of one million dollars; M. D. Darrow was President, and Chinery and Binney were the contractors for the road's construction. Butte County was very much interested in this road and loaned County bonds in the sum of \$209,000 to assist in its construction, the interest rate being 10 per cent. In later years, ownership of the road was with N. D. Rideout and A. J. Binney. It is still being operated, now being owned by the Southern Pacific Company.

The second railroad to be constructed was the California Central Railroad; work was commenced at Folsom in 1858; in 1861, grading had been finished two-thirds of the distance and track laid as far as Lincoln. The name was then changed to the California and Oregon Railroad and the Common Council of Marysville, on October 7, 1868, passed an Ordinance granting rights of way, etc., to the railroad, which was completed to Marysville shortly afterwards.

The third railroad was the California Pacific Railroad, for which a survey was completed in 1853, but nothing was done. A new survey was then completed in 1857, the company was organized on October, 1857, with a capital stock of three million dollars. Yuba County voted to give \$200,000 but actually gave bonds for \$100,000. The road was projected to run from Marysville to Vallejo, there to connect with boats running to San Francisco. In 1871, the road, being completed to Marysville, annexed the Napa Valley and other roads. Unfortunately, the road between Knight's Landing and Yuba City had been laid out through the low tule basin area in Sutter County and

succeeding floods eventually caused the road to be abandoned. In later years, that portion which traversed the low basin area was replaced by a new road on the west bank of the Feather River, on higher ground, and is still in operation. A considerable portion of the old original earth embankment in the tule basin was utilized for the new fine highway, connecting Yuba City with Knight's Landing, a few years ago.

In 1853, a regular line of steamers left Marysville daily for San Francisco, one steamer leaving at 7:00 A.M. and the other at 2:00 P.M. At San Francisco, the Pacific Mail Steamship Company had lines of steamers to New Orleans and New York, via Panama. They controlled twelve boats, "leaving San Francisco on the 1st, 8th, 16th, and 24th of each month; at Panama about the 2nd, 10th, 18th, and 26th of each month." In 1853, many stage lines were in operation; in 1858 this business was largely controlled by the California Stage Company, which operated from Oregon on the north to the southern part of the State. Marysville being a central point, innumerable stage left early in the morning daily to forty-eight designated points in the mining area in the mountains.

CHAPTER XIV Fire Departments of Early Days

THE first fire department was organized on August 17, 1853; in 1858, it had grown very considerably and consisted of seven different companies as follows:—Eureka Engine No. 1, Yuba Engine No. 2, Mutual Engine Company No. 3, Warren Engine Company No. 4, Eureka Hose Company No. 1, Yuba Hose Company No. 2 and the Mutual Hose Company No. 3. These several engine and hose companies had a combined membership of over 275 members, it being quite an honor and distinction to be a member of some one of these companies. They all had their separate headquarters and were really "clubs" and the members held many meetings and jollifications. When a fire occurred, there was great rivalry as to which Company would reach the fire first and maintain the best reputation for such prompt service. My father told me that it was rumored in those days, that in several small fires, that a certain company had been guilty of having started the fire themselves, the members of that Company being given advance notice to hold themselves in readiness and so "beat the other fellows" to the fire. Each Company always lost some time in starting with their apparatus, as it was the "correct thing" to do to have each member, when he

arrived at his company's headquarters, take time to “doll up” with regular large red fire hats, red flannel shirts, patent leather stitched fronts and with wide belts, on which would be silver plated letters

TIMBUCTOO RESCUE HOSE COMPANY NO. I FROM THE ORIGINAL INK AND WATERCOLOR DRAWING MADE BY GEORGE BARRINGTON IN 1860 AND NOW ON EXHIBITION IN THE OLD EXPRESS OFFICE AND PIONEER MUSEUM AT TIMBUCTOO

OLD MINERS' HIGH SUSPENSION FLUME CONSTRUCTED IN EARLY DAYS OVER BRANDY GULCH

41 designating the organization's name and number. Nearly all prominent citizens were members of one of these companies, either as an active or “exempt” member.

The City had the following disastrous fires in its early history:

August 31, 1851 \$500,000.00 loss

September 10, 1851 80,000.00 loss

May 25, 1854 158,550.00 loss

July 18, 1854 250,000.00 loss

October 22, 1854 11,000.00 loss

August, 1856 145,000.00 loss

Total \$1,144,550.00

In 1858, the assessed value of property in Marysville was \$4,388,894. After the three fires in 1854, more attention was given to a better class of buildings, and the use of brick became almost universal, particularly in the business section, where in most cases there would be outside iron

doors and shutters, and Marysville became very largely a "City of brick." At one time, I remember, every business house in Marysville was in a brick building.

CHAPTER XV List of Hotels in the County of Yuba in 1858 Outside of the City of Marysville

LOCATED ON THE FOSTER's BAR ROAD.

BRIGGS Hotel, George G. Briggs; Farmers' Hotel, A. Pomyea; Zabriskies Hotel, A. L. Zabriskie; Ten Mile House J. H. Bruce; Eleven Mile House, A. D. Andrews; Spring Valley House, A. Pauly; Prairie House, Johnson; Empire House, Beninger; Peoria House, Capt. T. Phillips; Galena House, D. J. Gashairie; Stanfield Hall, Wm. Stanfield; Payne's Ranch, J. Payne; Tennessee House, Richardson; Eighteen Mile House, W. Taylor; Oak Grove House, J. M. Abbott; Martin House, N. J. Martin; Oregon House, Rice & Co.; California House, Moses Robbins; Keystone House, A. Cross; Maple Spring House, P. Labadie; Oregon Hill House and Store, R. Stroud; Greenville House and Store, Edgar & Co.; El Dorado Hotel, P. Guerin; Hotel de France, Gottish & Shorman; Clay's Ranch House, John Clay; Temperance House, Camptonville, Lewis Lewis.

SACRAMENTO, AUBURN AND BEAR RIVER ROADS.

Eliza House, Eliza; Haswell Ranch, Bear River; Johnson's Ranch, Bear River, M. Thornburgh; Fount Royal House and Store, F. Waddell; Graham House, W. Graham; Round Tent, J. E. Slater; Brady House, J & M. Brady; Eureka House, F. Bridges; Sand Flat House, Sand Flat.

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LA PORTE AND ST. LOUIS ROAD.

Saw Mill Cottage; Jefferson House, J. Evans; Brownsville House, Martin Knox; Washington House, S. Rice; New York House, Wm. Leedom; Mount Hope, Wm. Smith; Woodville House, J. Wood; Clapboard Ranch, E. Kellogg; Barton House, J. M. Miller; Columbus House, A. Barnhart; Pike County House; Diamond Spring House; American House, E. Whiting; Seneca House; Lexington House; Eagleville Hotel; Pine Grove House; Junction House, J. Bogardus; National

House, Comptonville, W. J. Ford; U. S. Hotel, Camptonville, M. K. Napier; Golden Eagle, Brown's Valley, J. Rule.

PARKS' BAR ROAD.

Dry Creek House; Big Bar House, Long Bar, Madame Lobier; New England House, Parks' Bar, Mrs. Baker; Timbuctoo House, Timbuctoo, Mayou & Davis; National Hotel, Timbuctoo, J. Howard; Coddling's Hotel, Timbuctoo, Mrs. Coddling; Smartsville Hotel and Store, L. B. Clark; Empire House, Mooney & Moody; Union House, F. Chapman; Cass & Co.'s Hotel, Sucker Flat, Cass & Co.

HONCUT ROAD.

Park Hotel, C. S. Ellis; Oak Grove House, J. Cushing; Prairie House, S. Ewers; Sewell's Ranch, Reese; Honcut House, J. Gordon; Eight Mile House; Mayhue Hotel, N. B. Nelson.

CHAPTER XVI

Stage Lines Running from Marysville, in 1861

FROM Marysville to Long Bar, Empire Ranch, Rough & Ready, Grass Valley & Nevada.

From Marysville to Wiser's Ferry, Sand Flat, Ousley's Bar, Kenebec Bar, Empire Ranch, French Corral, Sweetland, Sebastopol, San Juan, Emery's Crossing, Camptonville, Forest City and Downieville.

From Marysville to Oregon House, Keystone Ranch, Indiana Ranch, New York House, Pine Grove House, Columbus House, American House, La Porte & St. Louis.

From Marysville to Sewel's Ranch, Bangor, Hansonville, Brownsville, New York Flat, Forbestown, Woodville and Strawberry Valley.

From Marysville to Oroville, Thompson's Flat, Pence's Ranch, Spanishtown and Inskip.

Two lines daily from Marysville, via Nicolaus to Sacramento.

From Marysville to Long Bar, Parks' Bar, Timbuctoo, Sucker Flat & Empire Ranch. Tri-weekly line from Marysville, via Johnson's Rancho to Auburn.

THE CALIFORNIA DIGGINS FROM A REMARKABLE DAGUERREOTYPE DATING FROM THE EARLY FIFTIES THE ORIGINAL WAS SENT BY CHARLES F. DELONG TO HIS BROTHER IN NEW YORK STATE, AND REPRESENTS FOSTER'S BAR ON THE NORTH FORK OF THE YUBA RIVER THE SMUDGE AT THE RIGHT IS THE SMOKE FROM A SMALL FIRE NOTE THE DUG-OVER AREA ALONG THE STREAM

THE MAIN STREET OF TIMBUCTOO. YUBA COUNTY FROM A PHOTOGRAPH MADE IN THE EARLY SIXTIES

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A daily line from Marysville, via Oroville, Bidwell's Bar, Berry Creek, Mountain House, Peavine, Buck's Ranch, Meadow Valley, Spanish Ranch, Quincy and American Valley.

Also, Sawtelle's Stage line ran from Marysville to Honcut, Central House and Oroville.

The above lines, all originated in Marysville; in addition, the California Stage Company's coaches operated from Sacramento, through Marysville to Oregon. This line had daily coaches running as follows: Sacramento City, Nicolaus, Marysville, Honcut, Oroville, Rio Seco, Chico, Tehama, Red Bluff, Cottonwood, Horse-town, American Ranch, Shasta, French Gulch, Trinity Center, Callahan's Ranch, Ottitiewa, Yreka, Ashland Mills, Jacksonville, North Canyonville, Round Prairie, Roseburg, Winchester, Oakland, Eugene City, Corvallis, Albany, Salem, and Oregon City to Portland, Oregon, a distance in all of 750 miles.

OVERLAND STAGES

Leaves San Francisco for St. Louis, Mo. carrying U.S. Overland Mail and passengers every Monday & Friday.

PONY EXPRESS

The Pony Express leaves San Francisco every Wednesday and Saturday at 3:30 P.M. Charges \$2.50 for one-quarter ounce and heavier weights in proportion.

CHAPTER XVII

Early Day Newspapers

THE first newspaper published in Marysville was the Marysville Herald, the first issue being on August 6, 1850, by R. H. Taylor, who was both editor and proprietor. The paper was conducted by him as a bi-weekly until January 28th, 1851, when Stephen C. Massett purchased an interest. Massett was quite a character; as a young man, he had come to America from London, England, in 1837; for the next twelve years he drifted about, obtaining various jobs as an accountant, assistant in a law office, and at times earned a living by his excellent penmanship. He was fond of theatres and got acquainted with many persons connected with that profession. He had an excellent baritone voice and used it to advantage with various showmen, later on becoming an actor. He composed songs, some of which became very popular. He then became a lecturer and impersonator and made money and, in 1843, embarked on a trip to the Mediterranean and wrote letters of his experiences, which were sent to an eastern newspaper for publication, signing same "Jeems Pipes." In 1849, he decided to come to California, coming by way of Panama and landing at San Francisco, where he obtained employment with a Colonel J. D. Stevenson, who was in the business of selling lots in a 44 proposed new town, Massett making his headquarters, however, in San Francisco. While there, he gave a public concert which was quite successful. He then went to Sacramento, obtaining employment as an auctioneer of merchandise and, at the same time, wrote a number of poems which were printed by newspapers. He also contributed articles to the newspapers in Sacramento and San Francisco of a humorous character and always signed them "Jeems Pipes of Pipesville,"

which struck the popular fancy. Meeting Mr. Taylor, the owner of the Marysville Herald, on a trip, Taylor persuaded him to come to Marysville and purchase a half interest in his newspaper, with the result that he “pepped up” the paper and became very well known by his amusing articles, largely directed at local persons and local events.

The California Express made its appearance as a daily paper on November 3rd, 1851, and was published by Gee Giles & Co.; it was described as being “equal in size to the largest daily out of San Francisco.”

The Daily Inquirer made its appearance on November 17, 1851, being issued by J. De Mott & Co. Later on, in 1858, another newspaper made its appearance. This was the National Democrat, published by A. S. Randall & Co. It was also a daily and weekly paper with a claimed circulation of 3500.

CHAPTER XVIII

Mining in the Streets of Marysville Prohibited

THE minutes of the City Council on August 12th, 1851 disclose that at that meeting Mayor S. M. Miles (first Mayor of Marysville) raised objections to mining which had been started by some miners at the intersection of E and Front Streets (where the Western Pacific freight shed is now located on top of the levee). The Mayor was authorized to issue a proclamation. His edict was as follows:

“It having been represented to me that sundry persons have laid out and staked claims on the bar in front of the steamer landing for mining purposes, now, therefore, I, S. M. Miles, Mayor of the City of Marysville, do hereby caution all persons against trespassing on or injuring the public grounds within the limits of the City of Marysville in any manner whatsoever.”

It is not very generally known that the south limits of the City of Marysville include the present north channel of the Yuba River, a width of approximately 600 feet, making the river channel the property of the City of Marysville.

It might be of interest to note that, in later years, another attempt was made to take up a mining claim on this same channel, in an effort to “put out of business” a sand plant there in which I was a partner. The facts are as follows: In 1907 a sand plant was established on the levee at about the foot of B Street, permission being for an 80 foot frontage; the proprietor, having been a miner, took up a mining claim on the entire 45 river channel. In 1909, Emery Oliver, L. L. Green, A. L. Brownlee and myself formed a partnership and started another sand and gravel business between A and B Streets on the river bank, and obtained from the City a lease on the river channel between the D Street Bridge and the Southern Pacific Bridge, excepting the 80 foot strip crossing the river channel which the other plant had leased from the City.

Both plants operated for some years. Then the rival plant was finally disposed of to the Coast Rock and Gravel Co., which was operating many plants throughout the state. Later on, we leased our plant to the Coast Rock and Gravel Co. for a period of eight years at a very satisfactory rental. At the end of the eight year period, the Coast Rock and Gravel Co. was enlarged, many more plants purchased throughout the State, the name changed to the Pacific Coast Aggregates, and they planned to control the sand and gravel business in the State, north of the Tehachapi mountains.

When our lease expired, we took up with them the matter of a new lease, telling them that, if they did not care to again lease our plant, we were planning on the construction of a new plant, as they had permitted our plant to get in a “run down” condition during the term of their lease. We could get no definite decision from them for some time and finally insisting upon a reply, they responded with an offer to lease at a ridiculously low figure, which we immediately declined.

We then commenced planning for a new plant equipment; and one day, Mr. Oliver, who then lived in Sacramento, was cautioned by a friend who was connected with the Pacific Coast Aggregates Co. to be careful about expending much money on a new plant, as there was a possibility that the

larger company might proceed to “put us out of business,” as they had certain “rights” which would enable them to stop our extracting sand and gravel from the river channel.

Mr. Oliver was considerably perturbed and came to Marysville to see me and told me of the information which had been imparted to him and wanted to know what the other company might “have up their sleeve.” I then told him that the original owner of their Marysville plant had taken up a “mining claim” when the plant was first established but that I had never mentioned it as I was satisfied it gave him no legal rights, as the river channel belonged to the City of Marysville and the site of the City of Marysville had been acquired under Mexican rule and that no lands could have mining locations placed on them when such lands were privately owned prior to the United States Government taking over California. I also told him that, if there was any doubt in his mind, he should consult the Land Office in Sacramento.

This Mr. Oliver did; and, finding these statements to be correct and that the Coast Rock and Gravel Co. could not “put us out of business,” we determined to have a little “satisfaction” at their expense, so Mr. Oliver appeared before their Board of Directors and again broached the subject of a new lease. He was then informed that they owned a “mining claim” on the Yuba River and intimated that our company had better accept the lease which they had proffered, otherwise we would have to close down. Mr. Oliver then had the satisfaction of explaining to them that their mining claim was worthless (much to their chagrin), that we declined to enter into a new lease with them, and we again commenced to operate our plant. After twenty-eight years, we are still in business “at the old stand.”

CHAPTER XIX

A Labor Strike in 1853

THERE was a labor strike in Marysville in August of 1853. That was probably the first here. The word “strike” was already well known, apparently.

The Daily Evening Herald, predecessor of the Morning Appeal, said in its issue of August 8, 1853, that the carpenters employed on buildings under construction had gone out on strike and that they had held a parade that day, with a band and everything. The men were being paid only \$4.00 and \$6.50, which was quite a comedown from the \$16.00 a day for miners and common labor in the days to and preceding 1851. The Herald said that the carpenters had to pay \$12.00 for board, \$3.00 for room and \$2.00 for laundry, by the week, and therefore needed more pay. They were demanding \$8.00 a day.

CHAPTER XX

State Reform School in Yuba County

AS PEOPLE commenced to flock into the State, after the discovery of gold, many brought children with them. Some became rather “wild” and got in various kinds of trouble and agitation commenced to have some State Institution established where these wayward young boys and girls could be kept and not be placed in other institutions with hardened criminals.

Governor Weller, in 1859, made a recommendation to the Legislature; finally, on April 14th, 1859, an Act was passed creating a “State Reform School,” and three Commissioners appointed to select a site, and immediately many places wanted the school. In December, 1859, this Commission selected a site of one hundred acres on the east bank of the Feather River, about five miles north of Marysville, and owned by Charles Covillaud. The City of Marysville had previously had the tract surveyed, purchase price agreed upon and, on April 18, 1860, the Legislature made an appropriation of \$30,000 for the school, the City of Marysville paying for the site. The building which was erected was 218 feet long and with an average width of 52 feet, there being three stories and a basement. In 1861, the Legislature appropriated \$25,000 for the interior furnishings, etc.

The largest roll of inmates was fifty-four, in 1866. Finally, in 1868, mainly through the efforts of the San Francisco Industrial School, and with the reluctance of Legislators 47 to make appropriations, the school was closed, and by an Act of the Legislature, the site was donated to the

City of Marysville, and subsequently sold to James Strain for \$6000, the owner of the adjoining land.

CHAPTER XXI

A Duel in Marysville with my Two Uncles as Seconds

IT WAS the month of June, 1853 and two Marysville editors had been scrapping through their columns for some time about the politics of the day. Now came a challenge to mortal combat, and—unexpectedly—an acceptance. They met at sunrise on a field a mile south of Yuba City, because the Yuba County sheriff was opposed to the “code duello” and threatened such combatants with jail.

Judge O. P. Stidger, who had been publishing a paper in North San Juan, had but recently purchased an interest in the Marysville Herald, a tri-weekly publication supporting the Whig party, and was its editor. Colonel Richard Rust was the editor of the California Express, a democratic sheet. Editors did not merely espouse causes in those days; they fought for them.

Rust was a southerner and the duel was an institution of the south for satisfying the honor of the gentleman when offended. Stidger was short on knowledge of weapons with the exception of the pen, and with this instrument he had sorely wounded Rust. So the latter issued the challenge, the bearers being Lee Martin and Charles S. Fairfax.

Judge Stidger was a northerner and Colonel Rust was said to have counted on a refusal by the judge to resort to the field of honor. But the challenge was promptly accepted, Stidger, as was his right, naming the weapons and the distance. He chose Buckeye rifles with set triggers, and fixed the distance at 60 yards. No Buckeyes were to be found. The second dug up two Mississippi Yagers, but they were of different calibre and not equally reliable.

Lots were drawn for choice of the guns, and Rust's seconds picked the largest and best. They also won choice of position. My uncle, Judge Gordon N. Mott acted as second for Judge Stidger, and my uncle Judge T. B. Reardan volunteered as the second one.

“At sunrise of a Sunday morning on a beautiful day in June, with the larks singing, the two editors from Marysville faced each other at a stepped-off distance in Sutter County, ‘all east 500 yards from the Yuba County line’ and waited for the signal to start firing.

“Dr. R. H. McDaniel, was in Judge Stidger's party to advise him and to treat him if necessary. Dr. Rust, brother of the other editor served in like capacity on the other side. There was a large gathering of friends of the antagonists, and of spectators.

“Fairfax gave the instructions. He was to say ‘Fire, one, two, three, stop.’ Firing was 48 to start any time between the first and last word. As he said ‘Two,’ both rifles barked.

“Stidger had fired high over Rust's head. Rust shot to kill, but the bullet tore into Stidger's coat pocket, riddling a handkerchief, and remained there.

“Rust demanded another shot and Stidger promptly agreed. Judge Mott and Dr. McDaniel urged that he, too, shoot to kill, as Rust meant to kill him. He promised, but on the second shot he clipped some of the hair from Rust's head, while Rust missed. Stidger had tried to wing his adversary, without killing him. ‘He has a family,’ the judge told his seconds. They again admonished him, and he promised faithfully to shoot Rust if the latter insisted upon his already requested third shot.

“The two groups of seconds went into consultation. After a few minutes a gun was fired and the announcement came that Rust was satisfied.

“Fairfax, experienced in such matters, said afterward that he had never seen two duelists stand more manfully than had these two editors.

“Their fighting through their newspapers continued as forcefully afterwards as it had before the affair of honor, even more so, for in August both papers had become dailies.”

In later years, when the hydraulic mining controversy was at its height, Judge Stidger again was the owner of a newspaper in North San Juan, called *The Times*; at the same time, A. S. Smith was the editor of the *Marysville Appeal*. These two men were constantly criticizing the other's stand on the mining question. Smith in his editorials took liberties with Stidger's name by referring to him as “Old Stinker” and Stidger in turn would take liberties with Smith's initials by referring to him as “Ass Smith”; their duels were “long distance” ones. Whenever Smith would write a particularly nasty editorial, he always made it a point to see me to ask if I had read his last editorial on “Old Stinker.”

CHAPTER XXII

Yuba County's English Lord

YUBA County was once represented in the state legislature by a British lord. Charles Snowden Fairfax was the tenth Lord Fairfax, but he, like his father and grandfather, back in Virginia, failed to use the title. They were Americans. They had been Americans for several generations of the family.

Fairfax County in Virginia was named for the first member of the family to locate there, Thomas, the sixth in the line of lords. His mother was a daughter of Lord Culpepper, so he had titles on both sides. His mother left him a large estate in the American colonies and he came to look after them, living at Mount Vernon. He employed George Washington to survey his lands, thus beginning a close friendship.

Charlie Fairfax was a democratic fellow, who fitted into the miner's cabin or the drawing room of a mansion with equal grace. He was extremely popular, and, although not an orator, he was a great vote getter, occupying several offices in California. He was

JUDGE THOMAS B. REARDAN AN UNCLE OF THE AUTHOR

JUDGE GORDON N. MOTT AN UNCLE OF THE AUTHOR

49 prominent in San Francisco as well as Marysville, and was a power at Sacramento. He served as clerk of the supreme court for some time.

Election of Fairfax as assemblyman from Yuba County occurred in 1852, and he served in two sessions, 1853 and 1854. In the second year he was speaker of the house. In 1856 he was named to the supreme court office.

Harvey Lee, who had represented El Dorado County in the legislature, was appointed as reporter of decisions of the supreme court, and the action of Governor Weller in naming him was not popular. Lee and Fairfax met on March 25, 1859, in front of the old St. George Hotel in Sacramento and Lee upbraided Fairfax, the latter, during the quarrel, slapping Lee. Lee was carrying a sword cane, which he promptly unsheathed and ran through Fairfax, piercing a lung.

Fairfax, even though badly wounded—mortally, he thought, drew a derringer and covered Lee, who cried, “Don't kill me; I'm unarmed!” The wounded man held his fire and in words that burned told him: “You miserable coward, you have murdered me—you have assassinated me; I have your worthless life in my hands; but for the sake of your wife and children I shall spare you.”

Witnesses urged Fairfax to kill Lee, but he refused and repeated, even more stinging, what he had said.

Charlie Fairfax made his last public appearance in 1868. He was a delegate from California to the democratic national convention in Tammany Hall in New York on July 4, that year, when Seymour and Blair were nominated. He died in Baltimore, April 6, 1869, a few months after the convention. The wound Lee inflicted was at least partially responsible for his death, as it had never healed.

Lee moved to Amador County and represented that and Alpine County in the assembly for awhile, being elected in 1865. He was in 1866 appointed by Governor Low as one of the judges of the new judicial court, but never took the office. On August 19 of that year he was driving a spirited team at

Agricultural Park, then just outside Sacramento, when his vehicle collided with a post and he was almost instantly killed.

Fairfax was a lawyer and practiced in San Francisco after leaving here. He had a wonderful country estate, called "Bird Nest Glen," in Marin County, three miles north of San Rafael. His widow lost this property and moved to Fort Ross, which he had owned, but this was lost as a result of her lavish entertaining there. Eventually she died while occupying a government position that was provided for her in Washington.

Fairfax was a second to Colonel Richard Rust in the famous duel in Marysville, in 1852, between Rust and Judge Stidger.

As a young man, I often heard my father speak of Charlie Fairfax. My uncle, Judge Reardan, and Fairfax were great friends; and this uncle named one of his sons Fairfax Reardan, but he always went by the name of Fax Reardan.

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CHAPTER XXIII

Black Bart, Stage Robber

A Train Robbery

THE exploits of Black Bart used to give us young fellows a great thrill; I guess we used to look upon him more as a hero than an ordinary stage robber.

Black Bart, "The Po8" was not a train robber. He confined himself to stages. Twenty-one or more holdups were attributed to him. He carried a shotgun, which he used to intimidate the drivers and passengers of stages, but it was said the gun never was loaded. He never shot at a stage or those on it, although shots were fired at him.

In his last robbery, near Copperopolis, on November 3, 1883, a boy on horseback had been traveling along with the stage for awhile and had then dropped back. He was carrying a gun. This boy came upon the scene while the robbery was in progress and the driver motioned the boy who, unobserved, passed him the gun. Black Bart fled, dropping a handkerchief. The laundry mark on this led to his capture. It was found to be the mark of a San Francisco laundry, and the customer's name was found by a Wells Fargo detective to be Charles E. Bolton, supposed to be a mining man. He lived at the Webb House on Second Street, and was highly respected. It was learned though that he was also known as Barlow and Spaulding. His right name, found in his Bible, was Charles E. Boles. He was a Union veteran and had a wife and daughter in Hannibal, Missouri.

After his six years' sentence, Black Bart was released January 22, 1888, having been a good prisoner, getting the benefits of credits, which reduced his time four years and two months. "Never again," he said to reporters as he left the prison. Nothing was heard of him (of an incrimination) after that.

Black Bart began operating in 1875. Before a robbery he usually appeared in the vicinity as a quiet, gentlemanly stranger. After the robberies he might be present for a day or so, then dropped from sight. He held up the La Porte-Oroville stage early in the series, getting \$50.00, a gold watch and the mail. A few months later he repeated on the same route. In November, 1880, after robbing two stages near Yreka, he was traced to near Oroville, but was lost.

Early in 1881 he robbed a stage between Marysville and Downieville. In June, 1882, he stopped the Oroville-LaPorte stage again and the express messenger, George Hackett, riding up in front, fired twice, grazing the bandit's scalp with buckshot.

After his capture, Boles told officers he had often been in Marysville while on his robbery pilgrimages, but no one ever took him for a bandit. Until he was identified by the laundry mark in San Francisco he had been above suspicion. He had lived there as a 51 well-to-do mining man with interests up country that required his absences from time to time.

He generally left some “poetry” at each robbery, as a sample, Here I lay me down to sleep, To wait the coming morrow, Perhaps success, perhaps defeat And everlasting sorrow. I've labored long and hard for bread, For honor and for riches, But on my corns too long you've tread, You fine haired sons of bitches. Let come what will, I'll try it on, My condition can't be worse, And if there's money in that box 'tis money in my purse.

BLACK BART, The Po8.

A TRAIN ROBBERY

About 1895 Marysville had a train robbery. It ended the careers of the bandits and of Sheriff J. J. Bogard of Tehama County, who was a passenger. The Oregon Express train of the Southern Pacific was approaching at night from the south when Browning and Brady, notorious killers, stopped the train by crawling over the tender into the cab and menacing the engineer and fireman with guns. They fired shots to force the passengers to let them into the express car, but they were unable to open the safe.

One bandit led the way into the passenger cars and the other drove the engine crew ahead with sacks into which passengers were ordered to drop their valuables. Shots were fired when some of the passengers started to flee.

The porter, robbed of a watch, sneaked out behind and ran along the train to a car where Sheriff Bogard was asleep. Bogard put on his guns and went through the train until he came to where the robbers were at work. He shot Browning through the heart, but before he could fire past the engine men a bullet from Brady's gun killed him. The same bullet wounded the fireman. Brady fled, leaving his booty and firing on the passengers as he went, wounding several.

A bicycle the escaped bandit used was found and led to his capture and he was sentenced to life in prison.

CHAPTER XXIV

Historic Yuba Dam

ABOUT 2 miles southeast of Marysville in a bend of the present Hammonton Road is the old site of a small settlement which existed in early days and was known as “Yuba Dam” and made famous by Bret Harte. Nothing now remains to mark the old location except a large pecan tree. In early days there were no bridges crossing the Yuba River; there was, however, a ferry for crossing the Yuba River at the south end of E Street to the south areas; but on the east of town, the Yuba River was about one and a half miles southeast of its present channel on the Simpson Lane, the old original Yuba channel being about one quarter mile westerly of the old site of “Yuba Dam.” Another ferry was operated by a man named Simpson, from whom Simpson Lane took its name. Floods and mining debris have entirely altered old conditions and where the old river channel used to be, a large peach orchard now is growing, known as the Yuba Dam Ranch, owned by my two friends, R. R. Stowell and S. F. Weiser.

The following story attributed to Bret Harte, recounts the experience of an early day pioneer who passed through the old “Yuba Dam” settlement on his way to the mining area to the east. Here is the poem:

YUBA DAM Of Yuba Dam, the story's told, It may be false, it may be true, How Jones in search of placer gold Chanced in the town while it was new. He saw a man upon a fence, The usual chills and fever type, Who sat and watched the lizards play And smoked a vilely smelling pipe. “What place is this? My friend,” said Jones, “I think I've somehow lost my way, “I left this morn the Billings Ranch, “I seek the prospect, Break of Day.” Still puffing at his corn cob pipe, The native looked the stranger o'er, Then, in a low and peevish voice, Said “Yuba Dam”—just that, no more.

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Astounded at the answer given, Jones asked once more, in terms polite, “Please tell me what this place is called, “I did not get the answer right.” Taking his pipe from out his mouth, The more

tobacco in to cram, The native said "I told you once, "You must be deaf, it's Yuba Dam." The fighting blood of Jones rose up. He dropped his neck and seized the man, "You goldarned bunch of bones," he said, "I'll teach you to say 'You be dam'!" The Native came down from the fence And hit the earth an awful slam, But while Jones rolled him in the dust, He feebly muttered "Yuba Dam." The contest o'er, his honor cleared, But angry still, Jones took his way. He saw a little girl at play At a cottage near the road. "My dear," said Jones, in sweetest tones, "Please name the town in which you dwell. "This two-bit piece I mean for you "When your town's name you rightly tell." The child looked up with bashful grace And shyly eyed the stranger man, One finger in her mouth, And softly lisped, "Oo be Dam." "Good God!" said Jones, "I'll ask no more. "Helltown's the name the place should bear "Where little children, sweet and mild, "At inoffensive strangers swear!"

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CHAPTER XXV

Business Experience

WHEN I graduated from the High School, I informed my father of my desire to go to college and take up an engineering course of study; he listened attentively to my plans and then told me to come down to the store next morning; this gave me hopes that I had made a favorable impression. When I reached the store next morning he gave me a nice new bucket, a nice new sponge and a nice new chamois skin and said, "Now Bill, you are on the payroll and let's see what kind of a window washer you are." There were many glass windows and partitions in that large store; I felt rather depressed and disappointed but concluded that he was just "trying me out" and if I worked hard, during the next two summer months, he might conclude to let me go to college, so for the next two months, I was very industrious but I never got to that college.

Father had a janitor, a colored man by the name of Henry Clay, who had been with him for quite a number of years and Henry Clay was much perturbed at first, thinking that he had possibly lost his job to me, but he was evidently "tipped off" by Father as the next day, Henry Clay took me in charge and kept me busy all day and every day on various clean-up jobs; in fact, whenever I

finished one job, Henry Clay seemed always waiting with another job for me—he never gave me a chance to loaf a minute.

When my first two months were up, Father informed me that I had apparently mastered the job of janitor and I was to be promoted to the position of “roustabout” which position consisted of helping load and unload wagons and drays and trucking grain, etc., which latter was pretty hard work for awhile until I became accomplished in loading five sacks of wheat, etc., on a hand truck and moving them about without prematurely dumping the load, which I did quite often at first, to the evident enjoyment of the other employees. From this position, I was advanced to an assistant behind the sales counter, learning prices, how to wait on customers and take orders, and gradually worked up to head salesman in the retail department. From there, I was advanced to the wholesale department and after I had become proficient in that department, I was sent out on my first trip with a buckboard and span of horses to visit some of our customers who had stores in the mountain area, as a “drummer,” and from whom we enjoyed a good business.

At that time we were doing a large business; we had a retail business of about \$200,000 per year; a wholesale business of about \$350,000 per year, and besides, we did also a very large business in buying and selling grain; we had grain warehouses situated at Marysville, Ostrom (then Reeds) Station, Oswald and Tudor where we conducted a grain storage business.

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When I first commenced to work at the store, the hours were long. The store opened at 6:00 A.M. and closed at 9:00 P.M. and Sundays we kept open from 8:00 A.M. till noon. A few years afterwards, I “connived” with other clerks in other stores in town and we put on pressure to close at 6:00 P.M. which met with strong opposition from the store-keeper but we “put it over.” Still later, we used similar “persuasion” and got stores to cease keeping open on Sunday mornings; this clerks' association I rather imagine was the first “labor union” in town so possibly I am entitled to the distinction of having not only formed the first Labor Union, but was the first “President” of a Labor Union in Marysville.

Competition in the retail trade got quite keen and some articles such as flour, sugar and other staples were sold at prices which did not include the cost of doing business, so after I became a partner in the business, I called a meeting of all the men in the grocery business and we established prices on those articles which permitted of a reasonable profit. I was the head of the association and as costs varied, I would send out new lists of prices to the various store-keepers; at first, every store-keeper was under a forfeit of \$50.00 if found cutting prices; that did not work very well, so then we eliminated the forfeit and put every one on his honor and that worked successfully for many years. In making these agreements between the merchants we really accomplished voluntarily, what merchants are now compelled to do by the present "Unfair Practices Act." There was great deal of credit given in those early days and still losses were comparatively small. Most farmers those days, and they were mostly grain farmers, usually paid their bills once a year; when they had harvested and sold their grain, then they would come in and "settle up." For their information and record of purchases on credit, we had small "pass books" in which was recorded an itemized statement of their purchases and prices and they would always bring these pass books in with them. Roads were bad and horses were slow traveling those days, so Saturdays were the big days for the farmers' trade and after making their purchases, the men would largely congregate on the south side of 3rd and D Streets and "visit" while the women would congregate on the north side of 3rd and D Streets and do their "visiting" there. How very different is business conducted now, with chain stores, cash stores, good roads and automobiles and coming to town most every day and buying many things, which in those earlier days, were produced on the ranch. Many a pound of "sow belly" have I purchased from farmers who had produced an excess. When butter was purchased, it generally was in 15 or 25 pound kits, packed solid with brine; fish, such as salt mackerel and salmon bellies, were handled in wooden kits; purchases were usually in liberal quantities so as to save coming to town too often. People were frugal in those days, they had all the real necessities of life, they were content and happy; their weekly "event" was coming to town on Saturdays, and the big event, was when the circus came to town once a year.

As an example of their frugality, there was one farmer who lived south of town; when he came to Yuba County, he was first a school teacher at Wheatland; he 56 purchased a small tract of land in

the red dirt district and used to walk back and forth from his ranch to the school, a distance of about six miles each way; he saved his money and purchased some more land and gave up teaching; he raised grain, made money and kept purchasing until eventually he owned several thousand acres. He did all his trading with our firm; he came in every Saturday for supplies and almost always had something which he had raised on the ranch to “trade” with. At our office we always took the local and a San Francisco newspaper and I always placed them to one side and when he came in Saturdays, he would ask, “Well Billie, have you some newspapers for me?” When he died he left an estate over \$200,000. Another large farmer lived in the Cordua District; he also had accumulated until he had a very large grain ranch; he had two grown sons who did hard work on the ranch; he also made it his custom to come in and get his supplies on Saturdays, the two boys rarely coming in with him. One Saturday, I sold him his supplies and one of the things he said “the boys” had told him to be sure and get, was a 25 pound tub of butter as they were all out; he asked the price and I told him and he said “Oh my, oh my, but butter is awfully high,” and then said, with a twinkle in his eye, “I won’t take any butter this week Billie and I will tell the boys I *forgot* the butter.” He also had a very large estate when he died. There were really few farmers, however, who bought butter, most of them had the family cows and the “old woman” made the butter with the old fashioned churn.

After the floods of 1904, 1907 and 1909, and even before those flood years, the business district had continued to stay largely between First and Fourth Streets; the uncertainty of security caused every business man to be satisfied to remain in his old location. But after the last three flood years mentioned above and the Levee Commission had so raised and strengthened the levees that they felt security, they took my statement, “that if ever a flood came, which possibly would be big enough to flood all the Sacramento and San Joaquin Valleys, that there would still remain two dry spots, and they would be Marysville and the Sutter Buttes.” The old town “commenced to put on airs,” the new hotel was built on Fifth Street, the residential district north of Fourth Street became changed to business property, many merchants wanted to and did “move up town,” valuations and rents were accordingly reduced “down town,” and when also the “big depression” came upon us, I found that the combination of my efforts to make the town safe from floods, plus the “depression” and “fire” had resulted in a “wave” of business activity to the north and that the recession of that “wave” had

left our main holding, the “Ellis Block,” “high and dry on a sand bar” to the south. The joke was on me; I was “holding the bag” and then came my experience with my first and only law suit. But that's another story in another chapter to follow.

As for my experience in the mercantile business, I had commenced as a janitor in 1880, gradually worked up all “rounds of the ladder” until 1889, when I became a part owner with my father, firm name becoming W. T. Ellis & Son; later on, in 1895 the mercantile business was incorporated under the same name and I became general manager of all the business. My father died in 1913 and four years later, in 1917, I sold out the business which had been operated continuously for sixty years, and with which I had been connected for thirty-seven years. I thought I was going to “ease up” and have a little more leisure; that was just twenty years ago and I haven't “eased up” as yet and have come to the conclusion I never will as it has always been a pleasure with me to keep busy. I never learned to loaf.

For several years, after I had retired from the mercantile business, my old employees used to arrange each Spring for an annual picnic where we would all have a reunion and jolly time, some coming from considerable distances to attend; they used to call it the “Old Ellis Company's Employees' Picnic” and quite naturally I always felt quite complimented by these events.

During my business experience, I have employed many persons, but almost all of them stayed in our employ for many years; there were few changes and only one, a man in whom we had the greatest confidence, failed me, having been proven dishonest for many years; he was simply discharged. As for women employees in our office, they were always uniformly dependable, capable and very loyal to our interests. And speaking of women, it has oft times been said that a woman cannot keep a secret as well as a man; I disagree with any such theory, my experience has been that women can keep secrets and much more so than men. Only last summer in London, Prime Minister Stanley Baldwin remarked that he had “never known leakage of information due to a woman,” but that he had “known leakages through men who should have known a great deal better.” Some months ago, the President's Supreme Court decision came as a surprise to the nation, but a woman had helped to formulate it and knew it inside out, weeks, even months before—

Marguerite Le Hand, the President's private secretary. I believe that women and particularly women in business life, have always kept secrets and are particularly vigilant in detecting lies and in this connection, it has been said that “the first lie detector was made from the rib of a man.” Why, take Eve for example; it has been said that she may have given Adam away, but she never told the snake's story of how he found out about the Tree of Knowledge—and of course she asked him, because all women are curious.

CHAPTER XXVI

Experience as a Traveling Salesman

TRAVELING salesmen in those days used to be called “drummers”; they were selected by their employers, not only for their ability as salesmen, but also for their ability to be “hail fellows well met”; most of them would have a fund of “good stories” to regale, and be able to “hold their liquor well,” as in those days this counted very considerably. They were also allowed liberal “expense money,” which in their reports went under the head of “entertainment”; some of the most successful of these 58 traveling men were really better “entertainers” than they were “salesmen,” ingratiating themselves with their customers, who looked forward to their dates for calling and holding orders for them in place of sending in orders direct to the wholesale houses by mail; these salesmen were often called “order takers” by other salesmen who lacked the personality or the natural ability of being “good fellows.” It is entirely different these present days; price, quality and service now count first and good fellowship comes last; it was largely so then with my father.

Taking example, however, from the drummers with whom I had become acquainted, when I was first sent out on a “drumming expedition” through the mountains by my father, I decided to emulate them.

My first trip was through the mountain towns, where we did a large business, both retail and wholesale. In those days, the roads were practically impassable during the winter months, the main traffic being by stages, which largely carried the mails and Wells Fargo & Company Express

shipments; in the summer, of course, the roads could be traveled, but they were very rough and the dust would be about a foot deep; it was very unpleasant and slow going.

I started my first trip in the month of May, my conveyance being a “buck-board” vehicle, drawn by two horses. I started very early in the morning and my first stopping place was at Dobbins where I called on the old firm of Slingsby & Gettens (now J. C. Merriam & Son Co.). William Slingsby was an Englishman and Daniel Gettens was an Irishman. Everyone knew them as just plain Bill and Dan, but to Dan, Slingsby was always Billie. Slingsby was the real business head of the firm and Gettens filled orders, looked out for the loading of wagons and very small pack mules which were called “burros,” and used where goods had to be taken over steep and narrow trails to their destination; it was remarkable the amount of load these sure-footed, patient animals could transport and it was a real art, how these heavy and sometimes bulky loads could be strapped to their backs and never come loosened; sometimes these loads would look as large as the animal itself.

Both Bill Slingsby and Dan Gettens were fine types of men; Dan was a “diamond in the rough” and had a wonderful sense of good old Irish humor. Many years after, when he died, I went to his funeral; he had left instructions that he did not want any “fancy hearse” to take him to the little cemetery on the nearby hill; he wanted to be buried in a plain coffin and be taken to the cemetery in the old store wagon, drawn by his two pet mules, and his instructions were implicitly carried out. There was a very large concourse of people, both from the hills and the valley who came to the funeral, all waiting around in groups in the road for the Catholic priest to come; he was a little late in arriving from Smartsville. This was Father Toomey, who was known far and wide and was beloved by everyone. He often called on me at my office, he was always joking and full of humor and I loved to listen to his rich Irish “brogue.” As Father Toomey drove up the road, as he recognized various persons, he would call out, “Hello Jim,” “Hello 59 there McCarthy,” “Hello George,” “How do you do Mrs. Malarkey and how are all the childre,” etc., etc. Everyone was in a pleasant frame of mind, everyone was cheerful even though they had come on a sad errand; it was exactly what good old departed Dan Gettens would have wanted it to be.

Many of these mountain stores had a small bar at the rear and, following the usual mountain custom, after I had exchanged salutations with the two proprietors, Dan invited me to the bar to have a drink “on the house” with him. After this little “ceremony,” again following the usual mountain custom, I invited every one in the store to “belly up and have a drink with me,” which invitation was always accepted by all those present; straight whisky almost always being called for, and sometimes a cigar. Should any one present refuse the invitation, it was taken by those present to mean that the party refusing had some unfriendly feeling to the party extending the invitation.

After having secured an order for goods, I continued on my way to Camptonville where I planned to stay over night. At Camptonville was the firm of Meek Brothers, who had conducted a store there for many years and we had always enjoyed a good share of their business. They were also of the fine type of men who conducted stores in the mountains in those days, all of whom had the confidence of the public and who not only dispensed their wares to customers but also dispensed advice and often were called on to arrange amicable adjustments in controversies between miners. The elder Meek had two sons, Jason R. Meek, who in later years was Yuba County's surveyor for a great many years and at this writing is “still going strong”; the other son, William Meek, was familiarly known by almost everyone as Bill Meek or Bull Meek. Both of these sons had wonderful senses of humor, they were great mimics and could tell the most entertaining stories of the old times and the old timers. Bill Meek, a wonderful “whip,” had the reputation of being the best stage driver in the mountains and that was a distinctive reputation to have in those days. I have often told them that it was just too bad that the stories they could tell could not be preserved on phonograph records as they were not only entertaining and descriptive of old time characters, but both men had inimitable gifts of description. The Town store was, particularly during the winter months, the “town club,” where a huge barrel-shaped stove, setting on a large box filled with sand, with oftentimes a circular iron rail surrounding the stove, permitted the visitors to put their boots high up on the rail and spit tobacco juice with unerring aim at the sand under the stove and put in the winter hours, “swapping lies,” discussing the prospects of the “diggings” in the Spring, politics and what not. When a “stranger” would happen in, there was usually silence and he was looked at askance until his conversation with the store-keeper had explained in a way who and what he was

and what business he was bent on. If his explanations received approval and he should then do the “proper” thing by asking, “Won't all you boys belly up to the bar and have a drink,” he would then be admitted to the “charmed circle,” take a chair and also have the privilege of putting his boots on the stove rail.

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The following morning, I proceeded to the “Mountain House,” situated on a high ridge about 4500 feet altitude and where the then road forked, one going easterly to Forest City, Alleghany, etc., the other road, leading north, down the canyon, a distance of about eight miles to Goodyear's Bar, thence to Downieville, Sierra City and beyond.

Before reaching the Mountain House, I stopped at Nigger Tent, where we had a customer, a Frenchwoman by the name of Mother Romargie; she ran a roadhouse with a bar and always had several Spanish girls about. The place had a very unsavory reputation; several miners, who had been known to be “headed” for this place, rather well supplied with “dust” or coin, had mysteriously “disappeared,” but probably, having no relatives, nothing was ever done about it. When I stopped and hitched up my team and told Mother Romargie who I was, she seemed pleased to know me and immediately “treated”; of course, I reciprocated and invited the girls and a couple of men present to “have one on me,” in fact, they had “several on me” before I left (with an order from her) which made me a little late arriving at the Mountain House. On future trips I always stopped at Mother Romargie's place and once, getting caught in a heavy rainstorm, I remained all night, had a pleasant evening dancing with the Spanish girls, one of whom played the guitar, and I managed never to “disappear.”

It was a Saturday evening when I reached the Mountain House and my stop at Mother Romargie's had made me late for “supper.” However the proprietor, Dan T. Cole was an old time friend of my father and the Chinese cook very promptly had a repast ready, sufficient for several men. The Mountain House was a very large frame building and Dan T. Cole “was monarch of all he surveyed” in that territory. While he ran a roadhouse, which meant a stopping place for large freighting teams, his principal business was logging and each year he did a very large business in

this line, employing a large number of men, expert as “loggers.” As usual, there was a bar and the place had the reputation of serving about the best meals in the mountains. Dan Cole was very tall (about six feet six inches), angular, but well built, had eyes as “sharp as a hawk's” and a “poker face.” He was a Democrat and a political power in the hills and, in later years was appointed a Harbor Commissioner of San Francisco, and it was when he was on this Commission, that the present large Ferry Building was constructed and his name and two others are still to be seen on the large granite “cornerstone” at the front of the building.

The evening's entertainment was always poker and as this was Saturday night, the game had commenced when I arrived. The Chinese cook, after he had furnished my meal, hastily returned to the poker game, as both he and Dan had the reputation of being about the best poker players in the mountain; in fact, it was rumored that between Dan and his Chinese cook, much of the wages of the loggers went back to the house, after they had been paid off on Saturday night. I watched the game and spent some of the evening talking with Dan's two grand-daughters, who were frequently there on visits and both of whom were very entertaining and vivacious young ladies. About 1:00 A.M. I decided to go to bed, the room assigned me being on the second floor; when I was ready to retire, the night air being very cool, I endeavored to close the lower half of the window, which was directly at the foot of my bed, but finding that it was nailed in place, could not do so. I had gone to sleep, when I was suddenly awakened and found all the blankets and the sheet on top of me had suddenly disappeared out the open window; well, it was either put on my clothes and sleep in them or go down stairs where I knew it was warm, so I decided on the latter course. When I reached the barroom, everyone was present and a great “whoop” went up and of course, the “drinks were on me for the house.” The two girls then acknowledged that they had tied a rope to the ends of the blankets and the sheet and waited till they were quite sure I was asleep and then pulled them out of the window. I met them several times afterwards, they were mighty fine young ladies but after that, I was always on my guard, in fact, one had to be everywhere in the mountains as playing practical jokes, particularly on strangers, was a great diversion.

The next morning I drove down hill, a distance of about four miles in a straight line but about eight miles by road, to Goodyear's Bar, situated on the north fork of the Yuba River, where we had

several customers, among them a man by the name of John Saunderhaus. Some years later a son of this man called on my father at our store and said he was quite sure he knew where there was a good prospect for a quartz ledge and asked for credit for a “grub stake”; as this family always had a good reputation for paying their bills, the accommodation was granted; young Saunderhaus went on his prospecting tour and discovered what was afterward named the Young America Mine, which proved to be a great producer and young Saunderhaus sold it out for about one million dollars. Young Saunderhaus was an immense and powerful man; he stood about six and a half feet high, weighed about two hundred and sixty pounds, but was well proportioned. He got to be a “play boy,” became very friendly with a young millionaire of San Francisco named Jimmie Dunphy and the twain used to put on some wild parties. They used always to attend annual conventions of the Native Sons of the Golden West and delight in buying champagne for the entire convention; money meant nothing to them, but old “John Barleycorn” cut their careers short.

But I have been diverging from the story of my mountain trip. After leaving Goodyear's Bar, I drove next to Downieville, a distance of about twelve miles. Downieville then was mighty lively little town, lots of stores, many more saloons and gambling houses. Being Sunday, it had more than the usual number of visiting miners and, of course, practically all places of business were open; if there were any closed, I did not see them. The narrow street (just as it is today) was crowded with people, the sidewalks unable to accommodate them. After I had “put up” at the St. Charles Hotel (still there), I crossed the street to call on our principal customer, Spaulding, Mowry & Co., the “Co” part of the firm being “Billy Holmes.” I was not a stranger, having met all three of them when they had visited our store at Marysville previously. There happened to be present a young man, with whom I was also well acquainted. He was the District Attorney of the County and his name was Tirey L. Ford. They were all very pleased to see me and Mr. Spaulding “opened my eyes” with wonderment when he opened up a large safe and drew out a large bowl, about eight inches in diameter and about six inches deep, filled to the brim with the most wonderful gold nuggets of various sizes. We had a pleasant visit, but I wanted to “talk shop” but seemed unable to do so; during the visit, I noticed that Billy Holmes drew Tirey Ford off to one side and indulged in a whispered conversation. Soon Ford invited me to come out and see the sights with him and shortly

afterward we were joined by Billy Holmes. We visited various saloons, each one having many gambling tables of all devices in the rear end, stacks of gold and silver piled up on the tables and all doing a rushing business. For the first time, I saw miners come up to the bar and order drinks and then pull out their long buckskin bags, filled with gold dust, insert their thumb and fore-finger in the sack, take out a “pinch” of gold dust, the bartender extending a large glass for the purpose, for the customer to deposit the gold dust in, as payment for the drink. There was no argument as to the size of the “pinch” of dust, the miners were easy and careless, and if the dust amounted to about 25¢ or 50¢ worth or more, it made no difference; after watching this performance several times, I came to the conclusion that the bar was “getting the best of the break” by accepting gold dust in place of hard cash for drinks.

That night I had an experience which I have never forgotten but which resulted in me getting a lot of orders, but what this experience was, I will tell in another chapter.

It took me two days to finish up my soliciting at Downieville and then I left for Sierra City, Tirey Ford accompanying me. I had good success there as Ford introduced me as a fellow “Clamper” and that seemed to bring in orders easily. That evening, Ford said, “Let's go up and dance ‘jigger’,” and when I asked for an explanation, he said “Wait and see.” We went up the side hill from Sierra City and a short way up there was a very large building used as a dance hall. On one end of the building was a very long bar with several bartenders apparently doing a thriving business; all around the hall were rough wooden benches and as we entered, numerous couples were dancing. Many of them I might say, were attempting to dance, some groups having a regular old time “hoe down,” but all apparently having a good time. In the center of the room, suspended from the ceiling was a large circular iron frame with, I believe, three coal oil lamps for light, and on the back of the bar were about three coal oil lamps with tin reflectors. The orchestra consisted of a banjo, violin, guitar and a wheezy horn which, however, made fairly good music, a polka being the prevailing dance when we entered. The majority present were men, a number being seated on the benches, some talking with Spanish girls. Ford and I moved up to the bar and immediately some of the Spanish girls followed us there and we invited them to have a drink. After a few “rounds” we each picked a girl and joined in the dance. The dances were very short, and after each dance, 63 your lady partner was given

credit for the patronage by the bartender, who would place a mark after her name on a book so that she could get a "commission" at the end of evening's entertainment, to which she obtained added income by expecting "tips" from her partner if she managed to make him believe he was having a "bang up time." The more frequent the visits to the bar, the more liberal her partner would be, although usually, the men who went there did so with the idea of having a good frolic and expected to pay for it and liberally too.

It was about 1:00 A.M. and Ford and I were having a good time with our partners, who stuck to us like glue, when two men, rather intoxicated, got into an argument near the center of the hall. One had a bottle of beer in his hand and attempted to strike the other fellow on the head with it, but a by-stander, in an attempt to prevent the blow, caused the bottle to fly out of his hand, and the bottle was deflected to the coal oil lamps above, causing them to crash to the floor, where ready feet prevented any fire. Someone, it sounded as if it was in the rear of the hall, fired a shot, which I afterwards believed was a call for the hall's "boosters" to come and stop the fracas. However, at the time, it looked as if it was going to be a "free for all"; I grabbed my girl and stepping up on a wall bench, kicked out the flimsy window sash and out the window I went, dragging my partner with me, followed by Ford and his partner, who had been standing close by when the fracas commenced. The "scrap" was soon settled and we went back to the hall, my partner taking advantage of the fact that the broken glass in the window had made some rents in her dress which she claimed "ruined" it and I "came through" with her demand for \$10.00 without any argument, knowing that these Spanish girls had quick tempers and a bad habit of having a nice little sharp dagger attached to their garters. It rather spoiled the balance of the evening for me, but no one else seemed to pay much attention to the little fracas; it was "just one of those things" rather expected to occur.

From Sierra City, I went over the Yuba Pass, to Bassett's, Sierraville, thence down the Mohawk Valley to Quincy, thence home via Oroville. It took me twelve days, which Father considered too long but after turning in my orders and telling him of my various experiences, which gave him a lot of amusement, he remarked that now that I had had my "initiation," perhaps I could make better time next trip, which from then on was every Spring and Fall and covering more territory than I did on my first trip. Every one of those mining camps was lively those days, the miners making

plenty of “clean ups”; it “came easy and went easy,” very largely over the gambling tables and the bars and no one seemed to worry about the future. In recent years, I have visited many of these old mining camps, some of which in early days boasted of a large population. They are now “Ghost Towns.” It was saddening and depressing seeing them and at the same time remembering them as they were in their heyday of prosperity; the “days of gold and the days of 49” are now only memories.

Later on, we worked up a good wholesale business on the line of the railroad, as far 64 north as the Oregon State line, and I made many trips to all the intervening towns by rail. It was rather inconvenient, time being lost between trains which required “doubling back” from town to town because of the train service, both by day and night. I much preferred traveling with the old buckboard in the mountains notwithstanding the bad roads and enveloping dust, particularly, when the sound came to your ears, of the clanging of bells on the shoulders of each horse or mule of some freighting wagons, drawn by some twelve or fourteen animals, giving you advance notice of their approach so you could hunt for some convenient spot, where the road was a little wider, called “turn outs” and where you would have to wait patiently until the teams had passed you.

CHAPTER XXVII

Experience with the Lodge of E Clampus Vitus

IN A previous chapter, I have mentioned that I first joined this lodge on my first business trip to Downieville, having been advised that it was necessary to be a member of this lodge if I expected to obtain any business with the merchants.

The night I joined, the meeting was held in quite a large hall, and there must have been about one hundred men present. When the proceedings were about to commence and the meeting called to order by the presiding officer, whose title was “Noble Grand Humbug,” those present were seriously admonished to keep quiet and preserve due decorum during the initiation.

I was then led out by two husky men and was stationed before the Noble Grand Humbug, who proceeded to ask my name, my age, my occupation and this was followed by some very embarrassing questions.

The Noble Grand Humbug, then addressed those assembled and asked them in a loud voice, if in their opinion I had answered all questions in a satisfactory manner and asked, "What is the will of the lodge?" In unison and with practically one voice, all those present roared, "Initiate the Son of a B—." They all then joined in a song, which commenced as follows;— "You will get all that is coming to you, And a damn sight more before you are through—"

(I will not give the rest of the song for obvious reasons.)

I have still a very vivid recollection that they DID initiate me and for about two hours I was put through various hazings, from being dropped from a coffin suspended in the air with a trick opening bottom, into a tank of cold water, to crawling through what was called a "noiseless cavern," which consisted of a long pipe, just wide enough to crawl through and when I got about the middle of the pipe, several husky fellows, commenced to roll it back and forth the hall's length, all the time belaboring the tank with 65 clubs, which made it anything but "noiseless." The finishing touch was trying to ride the back of a large stuffed bear in my birthday suit, the bear being so adjusted that it would buck me off quite frequently; there was no use to attempt to refuse to "do my stuff"; I soon found that out because four good husky fellows would compel me to keep up with the programme. It was rather a cold evening but notwithstanding my lack of clothing, I was bathed in perspiration; the final stunt was to throw me in a bank of snow outside the building "to cool me off" and then immediately returned to the hall, where two huskies with Turkish crash towels gave me a rubdown and then helped me to put on my clothes. Then each "brother" in turn came up and saluted and welcomed me and shook my hand, each one apparently trying to outdo the other in the violence of the hand shake, which left my hand sore for over a week. Otherwise, outside of being "just a little sore and bruised," there were no ill effects from my experience.

As far as I can learn, this lodge of E Clampus Vitus started in the mountain areas for amusement purposes during the long winter months, when snows prevented mining and when there was little or no communication with the outside world except the mails. Several of the larger mountain towns had their separate lodges and they really did a lot of charitable work. I remember that at Downieville one time, a miner was accidentally killed, leaving a wife and several children; a meeting of the full membership of the Lodge was called and every one was expected to contribute to a charity fund which was at once turned over to the widow amounting to several hundred dollars.

However, my "initiation" was not forgotten and I swore to get even on some one and shortly afterwards, I helped to start a lodge of E Clampus Vitus in Marysville. We had a large hall of the second story of the present brick building at the southeast corner of D and First Streets; we raised funds and had a complete set of necessary paraphernalia, obtained a copy of the "ritual" from Downieville and were "ready for business." It wasn't long before most all business men and their clerks had joined the lodge. We initiated candidates quite often, mostly drummers, and we made agreements for quite a long while between the business houses, that drummers had to "belong to the lodge" if they wanted to get orders. Almost every week we would have an initiation and every member knew when a "sucker" was had for an initiation that evening, when the "hewgag" sounded, which sounded like a fog horn and could be well heard over town. A minister of a certain church heard about the lodge's "doings" and took exceptions to their practices and complained that most of these initiations were on Sunday evenings, so on one Sunday evening, he gave a sermon on the absence of men at church and exclaimed, "Where, oh where are our young men tonight" and just at that moment, the hewgag was heard with its weird and mournful sound, and many in the congregation were unable to refrain from laughing, as that sound of the hewgag was sufficient answer as to "Where, oh where are our young men tonight."

This first lodge was practically "put out of business" on account of the publicity in many newspapers of the State because of an initiation of an English Lord; this was on 66 January 25, 1896. This was Lord Sholto Douglass, a younger son of the Marquis of Queensbury, who was greatly interested in prize fighting in England and who first drew up the rules of the game which

were and still are known as the “Marquis of Queensbury rules.” It seems that young Lord Sholto Douglass had married a London dance hall girl, which got him into disfavor with his father. In consequence, and on the strength of his title, he and his wife started a vaudeville show to make a living and came to America on a tour. They came to Marysville and gave a show one evening in the old Marysville Theatre; it wasn't a very good show and as they had been having very slim attendances in California when they gave their show in Marysville, they were about “broke.” As the show here had a very slim attendance also, they “were up against it” financially.

A few of us thought we saw an opportunity for some amusement, so a committee from the Clamper's Lodge called on the young Lord and told him that if he would give another show the following night, that we would guarantee the theatre rental and some other expenses and would go out and sell tickets and perhaps make him some money, BUT, he would have to join the Clamper's Lodge that evening. He consented and “he got what was coming to him and a damn sight more before he was through,” the same as I had in Downieville; the lodge hall was packed, we had tickets printed and sold them to those present, appointed committees to go out and sell more tickets and the following evening, the theatre was packed full and he and his show left town rejoicing. All the newspapers in the State had accounts of his initiation and it gave him a lot of free advertising and he made a successful tour to New York. After his initiation in the Lodge room, he was called on for a speech and he said;— “Brother Clampers; I say, you are a rum lot of chappies, I can't say that I really enjoyed this very extraordinary initiation you have just inflicted upon me, but you tell me that this is the usual thing in California and as I have always heard that California was wild and woolly, I know now that it is so and I will always remember you and this Lodge and I want to tell you that I really appreciate what you are going to do for me tomorrow by helping me out of a blasted financial hole and I thank you, by Jove I do.” He was a “good sport,” but he put our Lodge “out of business” as we could get no more “suckers” to join after that because of the newspaper publicity over the State. In after years, Clampers' lodges were started at various times, but without much success as candidates were too few and far between.

CHAPTER XXVIII

Orchard and Vineyard Experience (1916-1927)

ONE of the holdings of the W. T. Ellis Co. was about 600 acres of land situated about four miles north of Marysville in District No. 10. We divided this property into two holdings by a road, 40 feet in width, one mile long, and made a tender of this 67 road to the country. This was accepted as there was need for a road there to connect the main highway in District No. 10, with the "Mathews Road" to the east, (it is still named the "Ellis Road"). We then sold the 280 acres on the north side of the road to Mr. Emery Oliver, who shortly afterwards resold it at a good profit.

The 320 acres we retained, were leased for farming for several years and then, as the fruit and raisin business was yielding big profits to growers and the business appeared to have a bright future, we decided to plant out 45 acres to prunes and about 90 acres to seedless grapes. To make this development, with necessary buildings, wells, pumping plants, underground irrigation systems, etc., required a large investment; it looked like a good investment and the banker who loaned us the money thought so too, and we hoped in a few years to "clean up."

Our first crop of Thompson seedless raisins was a good one and sold for 18 1/2¢ per pound; our first crop of prunes also brought high prices, "but alas and alack," two years later, "the tide began to turn," prices commenced to drop, frosts did heavy damage for a couple of years, and after eleven years of this experience, I came to the conclusion that it would be well to "quit the game," which I did. I traded the ranch for a six story concrete apartment house near Jones and Pine Streets in San Francisco, the buyer and seller each assuming mortgages on the respective properties; my two daughters were installed as managers of the apartment house. The apartment house business was quite good when we first had it, the income grossing about \$2500.00 a month. Then the depression came on, resulting in necessary rent reductions, vacancies, etc., and I finally turned the property over to the mortgage holder, getting a few thousand dollars for my equity, and charged off a good loss to "experience."

I really believe, however, that I added possibly ten years to my life while operating the ranch; I had a first class foreman, L. J. Fallon, and as I knew nothing about the orchard and vineyard game, he

permitted me to be manager of a large vegetable garden we had for our kitchen use and from the exercise with a hoe, shovel, rake and doing other chores, I managed to regain my “youthful figure” by reducing from 220 pounds to 185 and have managed to keep at the latter figure ever since; so I have no complaint, even though it was a mighty expensive flesh reducing experience.

There was a saying at that time, “that a farmer was a man who made his money on the ranch and spent his money in the City, while an agriculturist, was a man, who made his money in the City and spent it on a ranch in the country”; well I decided that as a farmer, I was a prize winning “agriculturist.”

CHAPTER XXIX

System of New Year's Calls

WHEN I was a young man, on New Year's Day many of the people in town would “keep open house” as it was called and, commencing in the afternoon and lasting 68 until quite late in the evening, friends would drop in and “pay a call” for a short time, making the round of their friends' homes. If for some reason some did not “keep open house,” then usually a small fancy basket would be hung on the front door and any friends calling could leave their calling cards in the basket.

Of course, the ladies who had their homes open for their friends, would mostly remain at home to receive and entertain their callers, it being the “men folks” who usually made the round of calls; it was really a very delightful custom and remained in vogue for many years.

With some other “young blades,” who wanted to do our calling in “style and show some class,” several of us would usually engage an open hack (called a landau) and with a driver and a fine span of horses, make the round of many homes during the afternoon, usually reserving the evening calls at the homes where several young ladies would congregate to assist the hostess in receiving, and where more fun would be had. Every home would have some titbits in the way of eatables and usually some liquid refreshments, such as light wines or beer. Oysters were very popular in those days and at some of the homes a very large block of ice would be in evidence with its center

scooped out, making a large bowl and in which large eastern oysters were deposited, ready to serve. If, during our calling, liquid refreshments were not entirely to our taste and satisfaction, we would make occasional stops at Dan Donahoe's Mint Saloon on Third Street, and still further refresh ourselves with a bottle or so of imported French champagne and decide which were the next few places to call on; this was usually necessary to revive our drooping spirits because of "the previous New Year's eve celebration." We had lots of good fun.

CHAPTER XXX

Skating on Ellis Lake

ON JANUARY 7th, 1888, a cold spell commenced all over the State; there was quite a heavy fall of snow in Los Angeles on January 9th. Ellis Lake began to have a coating of ice on portions of the Lake and as the cold spell persisted, the ice finally covered the Lake until on January 17th, the ice was from three to four inches thick and scores of people were gliding about on it. One man in town had ice skates which he had brought with him from the East and was an excellent skater; he rigged up a sled and skated about, drawing the sled after him with his fiancée on it, taking a ride; he was the "pride of the town" and it was the first, in fact the last time, I had ever seen any one on ice skates. The cold snap was not broken until January 21st; the thermometer registered 24 degrees on January 7th, the lowest reading being 18 degrees on January 14th. On January 18th the ice commenced to crack and become dangerous so the City authorities opened the flood gates in the levee at E and 15th Streets and permitted

RESIDENCE ERECTED BY JOHN C. FALL IN 1855 NOW OWNED BY MR. RICHARD BELCHER

RESIDENCE BUILT IN 1851 BY J. M. RAMIREZ, ONE OF THE FOUNDERS OF MARYSVILLE AND KNOWN FOR MANY YEARS AS "THE CASTLE" NOW THE HOME OF THE AUTHOR

69 water to run in the Lake and cover the ice. I still retain a photograph showing many people on the ice. My father had a number of large orange trees in his yard, fronting the Lake and they were badly damaged and had to be cut back very considerably but none were killed.

CHAPTER XXXI

Four Homes I Have Lived In

I WAS born in the old home which is still standing at the northwest corner of D and 8th Streets. My father had purchased the residence from Colonel E. Ransome, who had built it. He bought the residence in 1863 at public auction for only \$2800.00. Property at that time was very cheap after the big flood of 1861-62 and the rapid filling of the rivers with mining debris. At that time it was a square two-story brick building with large bay windows on each of the four corners, the first floor having a large hall, leading through the entire house, with a large billiard room on the south side of the hallway and with a parlor and dining room on the north side; there was a very graceful curved stairway leading to the second story, where there were four large bedrooms and a bath room. There was a large cupola over the roof, which permitted plenty of circulation of air and afforded lots of light to the hallway below; all around the top of the exterior walls, were brick battlements, standing about four feet high; these battlements and cupola were removed in later years when a new roof was installed. There was a very large basement under the house with brick floors, a portion of which was the kitchen, the balance being used for storage purposes; meals from the kitchen to the dining room above were conveyed through an opening in the floor called a “dumb waiter.”

This home, as most others in those days, had a deep dug well for a water supply and, about thirty feet away, a deep dug sump for sewage disposal. This made an ideal combination for various epidemics of which we children had our share; the town had a bad reputation for “malaria” and as for mosquitoes—well they just thrived everywhere. Every one of our beds was covered with a canopy of mosquito bar netting suspended from the ceiling, but even that did not keep the mosquitoes out. They managed in some way during the day to get under the netting, so the usual thing to do when going to bed, was to investigate the interior of the canopy, a candle in hand,

and endeavor to kill what mosquitoes we could find there. I have often since wondered how we managed never to set fire to the netting. I presume that we should have taken the advice of Mark Twain who, about that time in one of his books said, that to get away from the mosquitoes when he went to bed, was to get in the bed and leave one small opening in the lower part of the mosquito netting, so that all the mosquitoes could follow him in and when they had all gotten under the mosquito bar, he would crawl out of bed, close the opening in the mosquito bar and then roll up and go to sleep on the floor.

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Father owned a full half block, the north half reaching the (then) lake shore; the very large garden was always well kept with many varieties of trees growing. There were three “Sequoia Gigantea” (Redwood trees), one of which is still growing and which is about sixty-five feet high. On the west side, there was a two-story large barn and basement.

In 1895 I was married and rented one side of a duplex house, belonging to Miss Annabell Carr, north side of 5th Street, between E and F Streets; the other apartment was occupied by Richard Belcher, who had married a short time before. My wife and I lived there about two years and then moved to the northeast corner of D and 6th Streets, where I had built a home on the site of the “Old Posten School,” which in earlier days had had a fine reputation for being “the” school for young ladies desiring a “finishing education.” To show how cheap real estate was in those days, I paid \$1000.00 for this property, a full lot, 80 feet on D Street and 160 feet on the north side of 6th Street. There was a one-story brick school building, also a two-story frame building on the lot; the greater portion of the lot on two sides had a high brick fence or wall, about 8 feet high; I secured enough salvage from these buildings so that the full sized lot only cost me net about \$800.00. I built my house on the west side, making use of 80 feet by 83 feet and then sold off two lots to the east, one to John Hoffstetter and the other one on the alley to William Gern, who built the residences that are still there. These houses (as well as other houses built about that time) had high basements, all with the idea that they would have their “first floors” high enough to be above any floods which might

occur and which was always in every one's mind, and a possibility, as in those days the river bed was still rising with debris deposits each year.

After my father's death, I sold the old home at D and 8th Streets to the Episcopal Church trustees as a possible future site for a new church. My brother-in-law A. C. Bingham then owned the large brick residence at the corner of 5th and Elm Streets, and after his death my sister rented the residence for a few years and went to live in Los Angeles; afterwards she sold the property to The Ellis Estate Company. In 1919 I sold my home at 6th and D to Mr. John L. Sullivan and moved to my present home at 5th and Elm Streets. This is one of the most interesting residence in Marysville. It was built by one of the original founders of the town, Jose Ramirez who had come from Chile. As earthquakes are rather frequent in Chile and perhaps having felt a slight one in Yuba County, may account for his building the residence as strongly as he did; the outside and inside partition walls are of brick 30 inches thick; the floors on the second story consist of two layers of brick on a sand foundation, on top of heavy timbered floors, requiring such heavy walls to sustain this great weight. The lumber in the house also came from Chile and as there was much hard wood there, the same was used in the house here. The roof now on the building is the same one put on when the building was constructed eighty-five years ago and has never leaked, but an annex, which was built on about twenty years ago and roofed with "modern roofing" has had

RESIDENCE OF W. T. ELLIS SENIOR, ERECTED IN 1855 HOUSE IN WHICH THE AUTHOR WAS BORN

RESIDENCE ERECTED BY WARREN P. MILLER IN 1856 NOW OWNED BY C. F. AARON

71 numerous repairs. The building is of Spanish architecture and in early days was generally known as "The Castle" and had the reputation of being "haunted" but in the years in which I have lived in it, the only "spirits" which I have ever noticed have been those which I have always kept on hand in liquid form and designated as "spirits fermenti." There was a large basement under the entire main building divided into two rooms, one of which was a large billiard room, the floors being of octagon shaped marble slabs, the other room being the kitchen equipped with a dumb waiter which took the meals to the dining room on the main floor above. Originally there were two very large bedrooms

on the top floor, each room having two large doors on each side leading to a long hallway on each side of the building, glassed and latticed in, making what were, I presume, the first sleeping porches in Marysville.

The house now is furnished with a lot of antique rosewood, mahogany and ebony furniture and five very large mirrors, three of which have very ornate gold frames. Two of these were purchased by my father when he was first married, the other being presented to my brother-in-law by the Decker-Jewett Bank when he was first married. It is a very comfortable and commodious house and I take much pleasure in residing there, possibly because I have arrived at an age when I also may be classed as an "antique" and so "fit in" with the house and its contents. Of all my household possessions, there are two things which I prize particularly, one a "banjo clock" made by Howard & Company of Boston about 1850 and which has always been a wonderful time keeper all these years; it was ticking the hours away, long before I was born and from all appearances, will keep on doing so for many years after I "have passed out of the picture." The other thing I prize, is an old-fashioned mahogany bed in which I now sleep and in which I was born. This assertion, I imagine, is one which but few people can make.

CHAPTER XXXII

Peter Jackson, World's Champion Heavy-Weight Prize Fighter

I WAS always interested in prize fights and wrestling matches; the latter not the kind one sees these days and which do not appeal to me, consisting mostly of manufactured groans and grunts and fake exhibitions. Whenever Muldoon, the world's famous wrestler came to San Francisco, I never missed going down to see him; those were real bouts. As for prize fights, the well known fighters generally patronized the large cities. I was in San Francisco at one time to see a fight between Peter Jackson, the colored champion of the world from Australia, and another fighter (I cannot now recall his name). I got acquainted with Jackson and invited him to Marysville and guaranteed that it would be financially worth his while (incidentally, I put up \$500.00 as a 72 guarantee for his expenses). The following abbreviated account from the Appeal of July 23rd, 1890, will speak for itself.

“Yesterday morning Peter Jackson, the colored Australian champion, accompanied by his trainer, Sam Fitzpatrick, and many sports from the bay region, left San Francisco for Marysville, where Jackson had entered into an agreement to box four rounds with Tom Johnson, the well known Northern heavyweight of Marysville. At the different stopping places along the route, crowds assembled to get a glimpse of the antipodean fighter, who was loudly cheered as the train rolled away from each station. Marysville was reached at 5:30 p.m. and here, the largest crowd of all assembled to do honor to the conqueror of Jem Smith. A deputation from the Marysville Athletic Club welcomed Johnson at his hotel, several bottles of Mumm's extra dry being cracked in honor of the occasion. The party numbered, among others, the following well known sports: W. T. Ellis, Jr., Walt Freeman, Henry Johnson, W. W. Ward, Dan o'Banion, Charlie Pease, Dan McCrate, John Colford, Dan Donahoe and W. J. Collis....the theatre was jammed full...the first entertainment was a bout between two Cornish miners who wrestled in catch-as-catch-can style. The third bout was between two local boxers which went four rounds. Jackson then came into the ring and was received with great applause, followed by Tom Johnson, who also received a warm reception. When the time was called and the two men shook hands, no time was devoted to fancy work, but good solid punching was indulged in from the start....At the end of the third round, Jackson's telling left handers were visible on the Marysville champion's nose and mouth....In the fourth and final round, Johnson scored a heavy left-hander on Peter's forehead, and received a counter which staggered him;...Tom was getting tired, seemed bent on making a brilliant finish. He followed Jackson and tried some sweeping blows, which kept Jackson ducking, greatly to the delight of the onlookers....The universal opinion was it was the best sparring treat ever afforded the Marysville public. After the exhibition, Jackson, in company of Johnson and his Marysville friends, visited the leading sporting resorts in the City and whiled away the hours until the arrival of the Oregon express train which took the San Francisco contingent back to the City.”

CHAPTER XXXIII

Chinese Tong Wars

TONG wars were more or less frequent and the various tongs took part in these rivalries between the rival Tongs. Some Chinese did not belong to any of these Tongs but I believe that the greater number of them did. By being a member of a Tong, a Chinaman felt assured of protection against any impositions by members of other Tongs and if a member of a Tong should for some reason get in straitened circumstances, his Tong would take care of him until "he got on his feet again." To that extent ⁷³ they were charitable organizations but they had an invariable rule, that if some member of a certain Tong got into an altercation with a member of some other Tong and unfortunately got killed, then it was a case of "a life for a life"; either the Tong to which the murdered man belonged had to pay a substantial sum as "blood money" or else, some member of that Tong must be killed by some member of the "injured" Tong and some member of that Tong was delegated to "do the job." It didn't make any difference as to who was killed, just so long as some member of that Tong was killed so as to "even up matters and square the account."

There were two very strong Tongs in Marysville, the Hop Sings and the Suey Sings, both had quite elaborate headquarters. On one occasion, as I remember it, a prominent member of the Suey Sings had been killed by some unknown but presumed member of the Hop Sings. The Suey Sings it was reported, had made an immediate demand for some \$5,000.00 "blood money" from the Hop Sings and after negotiations the demand had been refused, which meant that it was then necessary for some member of the Hop Sings to pay with his life as a forfeit. It was pretty generally known about town that trouble was likely to occur but the white population really did not take much interest in these difficulties and the Chinese generally settled their quarrels among themselves, always being careful to see that no person of another race got injured in any way.

Our office was at the corner of D and First Streets and through the large plate glass windows we had a good view of the next three blocks on First Street which was the main center of Chinatown. We were "keeping an eye open" for developments and one day noticed that there were exceedingly few Chinese to be seen on the sidewalks and concluded that something was about to "pop." We were not mistaken; as if by pre-arranged agreement, suddenly large numbers of Chinese emerged from the stores and many others on the roofs of the buildings on opposite sides of the street and

commenced a fusillade of shooting with pistols; it kept up for about ten minutes and sounded like a Chinese New Year's day, when many long strings of firecrackers were burned, making a terrific din. With all that mass shooting, there was only one Chinaman killed, as I remember it, the reason being that the Chinamen were always poor marksmen, almost invariably taking no aim, but just “banged away,” with their pistols probably aimed in the air or at the ground and “letting fly,” usually with their eyes closed and just taking a chance that some one of the other Tong would get hit. It later developed the people up town thought it was just another Chinese celebration with a lot of firecrackers being burned; we had been enjoying the fun from our office window and did not think of sending word to the police department until it was all over. Very soon afterwards, all the police accompanied by the sheriff and his deputies appeared on the scene, all “armed to the teeth”; they marched down Chinatown, where every Chinaman had disappeared; they went into stores to obtain information and the only answers they obtained from the Chinese was “no sabbee.” The police and the sheriff and his 74 deputies marched back uptown again in disgust and the affair became just another “closed incident.”

It is not generally known, but many of the plans for the Chinese Republic were “hatched” here in Marysville. Sun Yat Sin, who later on became the first President of the Chinese Republic, frequently came to Marysville to confer with local leading Chinese, their meetings being held at No. 306 First Street, where was located for many years the well known store of Hong Wo & Co.

After several visits of Sun Yat Sin whom I had the pleasure of meeting on the occasion of one of his visits, the proposed Chinese Republic Flag used to wave from several flag poles in Chinatown. Later on, the Republic became a fact, mainly through the efforts of Sun Yat Sin, who unfortunately died just about that time from cancer; his remains are now in a magnificent mausoleum in China, which is looked upon as a shrine by the Chinese.

CHAPTER XXXIV

Saturday Night and Sunday Too Club

IT WAS in 1887 that a number of young fellows happened to be together one winter evening for a little social time, which resulted in the formation of a club, to be known as the “Saturday Night & Sunday Too Club.” It was resolved that the membership was to be limited to thirteen and that every Saturday night, the club members would gather at some agreed place, usually in the rear room of some restaurant and have a “feed,” followed by a social time, which quite often would last until Sunday night. The club lasted for several years and we had many jolly good times. On holidays we generally put on a special “banquet,” frequently held in the dining room of some hotel after the dining room was closed to the public, quite often to the discomfort of the guests in the hotel who suffered through loss of sleep.

I have in my scrap book the menu card of one of these occasions on Thanksgiving Day, 1889, and on that certain occasion, I am very positive the guests in the hotel did NOT have much sleep, as we had a brass band from Chico with us at that time. The number “thirteen” is presumed to be an unlucky number; well perhaps it was to all the other members of the club as all of them have passed away to other “happy hunting grounds,” many years ago; for some twenty years, I have been the thirteenth and last surviving member; if any one should ask me the reason why, I believe that I can give them the correct answer.

CHAPTER XXXV

A Typical Mountain Fourth of July Celebration

DANCES and celebrations in the mountains were always well attended; people would travel for miles over rough roads on horseback, horse and buggies or stage coaches

THE AUTHOR, 1887 WHEN PRESIDENT OF “THE SATURDAY NIGHT AND SUNDAY TOO CLUB”

MENU OF “SATURDAY NIGHT AND SUNDAY TOO CLUB”

75 to be on hand, and when distances were great, many would come the day before so as to miss none of the festivities.

On July 4th, 1893 a Fourth of July celebration was advertised to be held at Camptonville and there was a great crowd in attendance, not only from the mountains but from the Valley as well. Ten of us at Marysville engaged a bus with four horses to take us up very early in the morning, the driver being Noah J. Sligar, a local liveryman. He was selected because he was a good driver and a sportsman but who never touched liquor; this latter virtue fairly well assured us that we would at least get back home safely.

The principal store-keepers there were two brothers by the name of Meek; one had two sons, William (Bull) Meek and Jason R. Meek. William Bull Meek was the instigator of the celebration and President of the Day, Grand Marshal and a little of everything else. One of the principal events was the enacting of a representation of an old time stage coach, loaded with passengers, being attacked by Indians armed with bows and arrows. The spectators stood on the edge of the bluff at Camptonville where they could look down, a hundred feet or so to a large flat area which had been the location of an old hydraulic mine and on which pine trees again had grown and through which the County road passed. The stage coach came down the road, the four horses on a full gallop, when suddenly the attack was made by the Indians shooting their arrows and the passengers "letting loose" with their revolvers and shotguns, etc. The Indians were represented by local mountain young men, riding their horses bare back; these boys were stripped to the waist, their bodies colored with walnut juice and clumps of feathers tied in the hair on their heads. It was very realistic, several of the Indians were "killed" and fell off their horses while the stage coach had several "casualties" but continued up the road to "safety" to Camptonville; it was a good show. This was followed by various other entertainments during the day and at 8:00 P.M. a big dance was held in a large hall which lasted until about 8:00 the next morning and mighty few had any inclination to leave for their beds; in fact, there were none to be had anyway. As any of the boys got tired and their spirits commenced to "droop," they were influenced to "rise" by "bending their elbows" and pouring liquid spirits down. The next morning most of the celebrants started to return to their homes but our crowd stayed over upon invitation of Bill Meek and were invited to take a ride to the John Ramm

Ranch, which in those days was noted for the fine wines it produced. Without any sleep (but with our spirits still high) we embarked in a Studebaker wagon, with four seats arranged crosswise of the wagon, with twelve persons aboard; Bill Meek was the driver of four large fine gray horses; when we were ready to start, Meek pulled out his pistol, “let go” six shots, cracked his long whip and the horses started on a dead run on their way. We kept this pace up for the five miles or so to the Ramm Ranch. The road was narrow and very crooked and in most places there was a sheer drop of several hundred feet to the canyon bottom. We were all mighty thankful when we reached the Ramm Ranch, where we “recovered” for several hours, sampling the very excellent 76 wines produced on the ranch by which time we had mustered enough “Dutch courage” to make the return trip to Camptonville but not before Meek had promised to be in less of a hurry on his return trip. This he promised with a laugh but he failed to do, making the excuse that he could not stop his horses after they had started to run away with him; we noticed, however, that when we reached Camptonville, he had no difficulty in stopping them, literally pulling them back on their haunches, much to the relief of the rest of us. Meek's father came out and met us and remarked, “Bill, you'll pull off that stunt just once too often some day.” Apparently his predictions were incorrect as I never heard of Bill Meek ever having any accidents driving stages. Meek always knew his horses and his horses knew him, he was rated one of the best stage drivers the mountains ever had.

Our return home to Marysville in our bus that afternoon was uneventful for the very simple reason that we slept (rather uncomfortably) all the way home.

CHAPTER XXXVI

A Fourth of July Celebration in 1895

SINCE the advent of good roads, the automobile, etc., usually the Nation's natal day is celebrated by people getting out of town and taking vacations in the “tall timber” or other places, but in earlier times, this day usually meant a big celebration in town and crowds of country people came for miles to “see the celebration.” Rival celebrations used to be held by nearby towns, such as Chico,

Oroville, etc., but later on, by mutual understanding, Chico, Oroville and Marysville “took turns” in holding a celebration.

One of these celebrations, which was held on July 4th, 1895 experienced some unforeseen climatic difficulties. A big celebration was arranged for, particularly a large parade and a barbecue lunch for the public and the buildings were covered with flags and bunting. A big crowd was expected and came. A well advertised feature was the employment of a very well known big band from San Francisco, called “Roncovieri's Band” which had cost the Committee a very substantial sum for its services. D Street between First and Second Streets was blocked off to travel and rows upon rows of tables and benches lined this street area for the free barbecue luncheon and in the center, an elevated platform was erected upon which the band was to play. In anticipation of the usual hot day, to protect the people sitting at these luncheon tables and also to protect the members of the band from the sun's hot rays, ropes were strung across the street from the second story brick buildings on opposite sides for almost the entire length of the block and on top of these ropes, was laid canvas to make a roof awning as a protection from the sun; but “alas and alack,” it “rained pitchforks” that day, ruining the celebration except for the hotels, saloons, ice cream parlors and the dance in the 77 pavilion. Umbrellas were everywhere but the biggest “inverted” umbrella was the canvas awning spread over the street for the protection of the band and the diners who were protected for awhile, but soon the canvas awning commenced to accumulate large quantities of water, the ropes began to break with the added weight, and it soon was a deluge on both the diners and the band. Everyone ran for some other cover; the tables were left, heavily laden with food of all kinds and a great many Indians who had come down from the mountains for the celebration secured a lot of sacks and were permitted to dump all the food into the sacks to take home with them. The Indians voted the celebration a great success but hardly any one else did.

CHAPTER XXXVII

Dove Stews at Shelton Grove

FOR many years, there had been a Sportsman's Club in Nevada County and annually they had an outing, sportsmen from all over the State attending; there was always a barbecue, plenty of liquid refreshments, trap shooting, and various other amusements for the day.

It was about 1893 that some local sportsmen, headed by Ben Cockrill, decided on a similar annual event for Yuba County; arrangements were made and the event pulled off. It was successful and proved popular; each year the occasion was repeated and each time on a larger scale until it culminated in the biggest event of them all in 1898. They were stag affairs and this 1898 event proved to be a "riot." Many prizes were offered for various contests, the money for financing the event being largely secured from all kinds of gambling games which were conducted on the grounds and which were liberally patronized. The Shelton Grove, consisting of several acres of fine large oak trees, closely growing together was always used for the event, the trees affording plenty of shade. Rows upon rows of tables and benches were installed for the "stew," which was held late in the afternoon so that everyone would have ample opportunity to "get up a good appetite" with plenty of "appetizers," which the vast majority did as "all eats and drinks" were absolutely free and the liquid refreshments were always more than ample for any demand.

In those days game was plentiful and many of the local sportsmen for a week or so beforehand would be out hunting for doves, deer and young ducks which were placed in cold storage until the day they were required. Immense caldrons of about thirty gallons capacity each were used for cooking these stews and the man in charge of this culinary department was Abraham Lewis, familiarly known by every one as "Old Abe"; he was an expert in this line of work and with many assistants, always put on a very successful and tasteful lot of food, "with all the trimmings." To give some idea of the real magnitude of that day's events, the dove stew was reported to have required some 78 3000 doves and in addition there was venison stew and "flopper" stew, but in view of the fact that there were some 1500 men in attendance, it was mostly all disposed of.

Quite naturally, there were always some who when well "liquored up," were disposed to have a fight and there were a number that day; in the large bus in which I rode with about fifteen others on our way home, the bus was stopped twice on the way in to let some of those on board get out on the

road side and settle their “arguments” for a few minutes; then they would get aboard again and the bus proceeded on its way back to town.

I have previously stated that this certain event was a “riot,” well, it was so much so that after that the wives, mothers, sisters and mothers-in-law of various prominent citizens with these “impedimenta,” raised such serious objections to the condition in which some of their men relations returned home, that this Sportsman Club “folded up” and future events “called off”; but they were good, while they lasted.

CHAPTER XXXVIII

Attempted Invasion of the City by Caterpillars

IN THE early days, all the territory south of the present north channel of the Yuba River at the D Street Bridge was a vast wilderness of trees and underbrush, wild grape and blackberry vines, this dense forest extending down to Eliza Bend on the south and upstream on the Yuba River for many miles, covering in all, several thousand acres. The southerly boundary of this forest was the higher ridge of red dirt land where is now located the Cline Bull tract of homes, the Canary Cottage (now the Aloha), and Shelton's and Dunning's place, on the present Hammonton Road.

The bridge across the Yuba River at D Street those days was a wooden affair, the same length as the present concrete bridge, but when you had crossed a distance of six hundred feet south of the north approach, the bridge from there on was in a thick forest, the trees being so high that in summer time it was mostly in shadow during sunny days.

The caretaker of the bridge was an old gentleman named Obediah Sawtelle, whose son was a bookkeeper in our office and was in my father's employ for many years. This old bridge tender was known by everyone as “Old Obe”; his chief duty was to watch out for possible fires on the bridge and when any teams ran away in town and started up the approach to the bridge, he closed a gate at the entrance of the bridge and usually stopped them.

It was about fifty years ago, that a singular and never repeated occurrence took place; this large forest of trees suddenly developed a tremendous number of caterpillars. They were about three inches long and about a half inch thick and for quite a while they spent their efforts in devouring all the leaves from all the trees and brush in this forest and

1898 A SMALL PORTION OF THE “DINING ROOM” AT SHELTON's GROVE FOR
ANNUAL DOVE STEW

1898 THE “KITCHEN” AT SHELTON's GROVE SPORTSMAN's CLUB, ANNUAL DOVE
STEW

79 when they had about cleaned off all such available green leaves, etc., they started across both the wooden wagon bridge and also the Southern Pacific railroad trestle, presumably on a hunt on the north side of the river for more food supplies. For several days the trains had great difficulty getting across the railroad bridge, the masses of caterpillars on the rails making them so slippery that the engine's wheels could not get traction enough to make headway. On the wagon bridge, many barrels of soft tar were taken to about the middle of the bridge and a strip, about 20 feet wide, was coated with tar, placed on the floor and the railing of the bridge in an effort to stop their progress; this did not prevent their onward march, for as the caterpillars got stuck in the tar, the oncoming mass would cover those which had got stuck and keep on crawling over the other dead bodies and more tar was placed on the “they shall not pass” strip of area. This was kept up for several days and was successful and gradually the attempted invasion was over and they all gradually disappeared. Just what caused this immense mass of caterpillars appearing on this one and only occasion, I have never found out.

CHAPTER XXXIX

The Failure of the English Dam and Comments on Other Dams

THIS dam had been constructed by the hydraulic miners, not for the storage of debris, but for the storage of water for mining purposes; the dam was full of water at the time it failed. A message was

relayed to Marysville that the dam had failed and Charles E. Sexey, who was then President of the Marysville Levee Commission, happened to be talking with me when the news was received. We immediately got a photographer and drove to Daguerer Point to take a photograph of the expected flood, believing that it could be used to advantage in the big suit then in progress between Edwards Woodruff, (who at that time was the owner of the Empire Block, situated at the northeast corner of D and Second Streets and the basis of the suit, on behalf of Yuba and Sutter Counties) and the North Bloomfield Mine, the contention being that the filling of the rivers by mining debris was a threatened danger to this property. Previously the miners, at the solicitation of James o'Brien of Smartsville who was also a hydraulic miner, had tacitly admitted threatened damage to other properties by constructing a levee on the south side of the Yuba River from the edge of the foothills (near Marigold), extending westerly a distance of about 8 miles where this levee connected with what was known as the Hedges Grade; this levee cost the miners about \$85,000.00.

The English Dam broke in June 1883, and the water was entirely released from the reservoir in about one hour; the rush of water down the Yuba's mountain channel took out various bridges. The bridge at Freeman's Crossing was destroyed, the water in the river being about forty feet higher than ever known before or since. As the wave 80 of water continued down stream, it "flattened out"; when it reached Daguerre Point, only the tops of large oak trees were out of water; (the photograph showing this I still have in my possession). When the water reached farther down stream, brush, etc., diverted the flow more southerly and the main current was deflected against the "o'Brien levee" at the Beeney Ranch, which was located about seven miles east of Marysville on the south side of the river.

Mr. Beeney was busy working with a crew of men harvesting a grain crop, when suddenly, much to his astonishment, he saw a wall of water running over the top of the levee, in the middle of summer; they abandoned their operations and made haste to get to higher ground. Several breaks occurred in the levee near there, the flood covering a large area of the Linda District, then escaping to the lower river over the Eliza District. The main body of the flood kept in the main channel and raised the river at the D Street bridge two and a half feet. I remember that at the D Street bridge the water was almost as thick as syrup, carrying a mass of mining debris; brush, trees, logs and other debris

came down in great quantities and the bridge itself was jammed with citizens “watching the show.” Just twelve months afterward (June 1884) Judge Lorenzo Sawyer of the United States Circuit Court gave his famous hydraulic mining decision and he dwelt on this dam breaking and the resultant debris being brought down the river.

The following data, may be of interest:

The capacity of the English Dam was 618,000,000 cubic feet of water (all available) or about 14,200 acre feet, and it was full at the time it failed.

The dam was situated about 55 miles upstream from Marysville.

The dam was 131 feet high and 400 feet long with a base of 260 feet; the upstream side being faced with boards; the dam being built of rubble stone.

The reservoir created made a lake about 2 1/2 miles long, covering 395 acres.

The dam failed by being overtopped at 5:00 P.M. June 19, 1883.

The water was about 100 feet deep in the canyon, just below the dam when the dam failed; at Freeman's Crossing, 40 miles downstream, the water in the river rose until it was 40 feet higher than it had ever been before or since.

As the flood wave reached the edge of the foothills, it broke the Linda levee in three places at 1:30 P.M. the following day, at the old Beeney Ranch, (a short distance this side of Marigold) where it deposited so much debris in the river channel, that it flowed over portions of the Linda District for several days through these breaks and after the water had subsided to its usual low water summer level at the D Street bridge.

The flood of water commenced to reach the D Street bridge in about 25 hours, on the following day as the following will show;—

The gauge read, 6'4" just before the flood arrived.

The gauge read, 6'10" at 3:45 P.M.

The gauge read, 7'2" at 4:00 P.M.

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The gauge read, 8'2" at 5:05 P.M.

The gauge read, 9'0" at 6:00 P.M.

The gauge read, 8'10" at 10:00 P.M.

After that, the river fell rapidly to its previous level of 6'4". An immense amount of debris, logs and brush was brought down. Samples were taken of the water, four feet under the river surface and showed 3.3 per cent of "slickens," all previous tests had never shown over 1.125 per cent of material.

At Daguerre Point, where the river was one mile wide at that time, the river rose two and a half feet in the first 15 minutes. At Graniteville, the water was 100 feet deep in the river.

As a matter of comparison, the following are some facts about the Bullards Bar Dam. This dam is at elevation 1500 feet; is 188 feet in height; length 440 feet; sub-base 80 feet; base 43 feet; crest 6 feet. Water behind the dam can be drawn down only to the penstock; with 10-foot gates installed on top, the total water available for use is 16,000 acre feet; below the penstock, there is left available for storage for mining debris, 40,000,000 cubic yards which, in my opinion, it is exceedingly doubtful will ever be stored from that fork of the Yuba River. The drainage area above the dam is 540 square miles. With a head of 13 feet over the dam crest, the anticipated discharge was estimated to be 65,000 second feet but in March 1928, it actually reached 70,000 second feet, the maximum daily discharge during the period of the flood being 56,000 second feet. The dam was designed to carry its load purely as an arch, no consideration was given to gravity or cantilever action; no

consideration was given for uplift under the foundation, which latter consists of a hard greenstone. This dam is situated 40 miles upstream from Marysville.

If the proposed dam near The Narrows at Smartsville is constructed, that is another matter to be considered; but now that there is proper supervision over dam construction by the State Engineering Department and, in this particular case, also under supervision of the Federal Engineers, there is no doubt in my mind that this proposed dam will be constructed on much more substantial plans than was the Bullard's Bar Dam. In any event, any possible contingencies have been taken under consideration by the Marysville Levee Commission and with additional changes and improvements, which are now being planned for, it is considered that Marysville will be immune in all circumstances. So I do not want it considered that I am an "alarmist," for I am not; the possibility of a failure of the Bullard's Bar Dam, I believe is quite remote, BUT, I have always believed in the slogan, "safety first" with a levee system, particularly since my experience in 1907, and have always had that slogan fixed firmly in my mind since then.

THE LAKE ALMANOR DAM

This is a very large earth dam, at an elevation of 4380 feet, situated on the Feather River. The height of the dam is about 140 feet; the spillway is 20 feet below the crest, 82 and at this elevation, the storage capacity is 1,300,000 acre feet, and would cover 30,000 acres. The greatest amount of water storage behind the dam was on June 5th, 1928 with 810,000 acre feet; at that time the water surface was 19 feet below the floor of the spillway. In May 1930, because of rumors of trouble with the dam, at my request, the members of our Committee of Five, visited the dam and made investigations; we were met there by officials of the Great Western Power Company. A great deal of corrective work was under way and this was later completed. The dam will never be filled to capacity for three reasons; first, because recent State laws permit the State Engineering Department to have control and dictate what amount of storage may be permitted; second, it is my firm belief that there is not enough watershed to give sufficient run-off ever to fill the lake to capacity behind the dam; third, the Company which owns the dam would not have the temerity to permit maximum storage, even if they had the right now to do so.

In connection with the failure of the English Dam, and since then, other dams in the State, I have been asked many times since the construction of the Bullard's Bar Dam, what would happen if that dam should also fail, particularly at some high water period; well, the answer is that nothing serious would happen. If it should fail in the summer months, it might raise the river at the D Street bridge, possibly six feet, but if the dam should fail during an extreme high water period, the river might be raised less than a foot, this for the reason that the wave of additional water would "flatten out" as it reached Marysville and being imposed upon the 2000 feet of flood surface width, then prevailing at the D Street bridge, the effect would be practically negligible. Our Marysville levee system has been constructed to care for this possible contingency happening, when a maximum winter flood discharge is also prevailing.

CHAPTER XL

Some Record Snowfalls in the Sierras

THE following measurements were taken at the Summit of the Donner Pass, Nevada County, at elevation of 7017 feet.

The following figures are in inches.

While there were 36 inches less snowfall in the winter of 1879-80, than in 1837-38, it 83 will be noticed that the heaviest fall was in April, a month in which the snow does not pack and disappears rapidly.

As for the winter of 1889-90, it will be noticed that the heaviest fall was during the months of December to March inclusive, these months are when the weather is coldest and the snow packs solidly. The rainfall in Marysville that winter was 38.91 inches.

The winter of 1889-90 was a severe one for the Southern Pacific Railroad, traffic was practically discontinued for a long period and following that winter, many miles of more snow sheds were constructed at heavy expense. The snow pack was so solid that it did not commence to melt until

March, when the river commenced to rise from these melting snows and for the months of March to May inclusive, the Yuba River at the D Street gauge averaged about 16 feet, the highest reading each month being as follows:

March 8th 16 feet, 8 inches

April 13th 16 feet, 2 inches

May 25th 16 feet, 0 inches

There was no levee system at that time near the river from the old site of "Yuba Dam" to the Southern Pacific Railroad embankment, a distance of about one mile, and there was then (the same as today), the long 150 foot trestle in the railroad embankment, just south of Canary Cottage (now The Aloha). As the rivers were well filled with debris at that time, the melting snows caused a constant fairly high water discharge under this trestle (within about one foot of the then highest water mark of 17 feet 1 inch of 1884), and overflowing the County road and for quite a while the residents of Linda Township had access to Marysville only by crossing the Railroad Bridge across the Yuba River and on their return, packed their supplies on their backs. This overflow showing no signs of subsiding, the merchants in town installed a rowboat service on the line of the County road for the accommodation of the people on the south side of town.

I was a member of the Board of Supervisors at that time and with a gang of men attempted to close off this trestle with a levee made of bags of earth, which seemed at first likely to be a success, but when we attempted to do the final closing, the current was too swift to finish the job. We were all working in water about to our waists and I had the bad luck to dislocate my right knee which placed me on crutches for a couple of months; that was the first and only time (so far) that the Old Yuba "made me take the count."

In 1911, there was an exceedingly large accumulation of snow in the mountains; on March 24th, a Quincy newspaper reported that "on the ridge between Poorman's and Hopkin's Creek, in Onion Valley and on the north side of Pilot Creek, the snow drifts were as deep as seventy-five feet deep";

the Mullen Hotel in Onion Valley (which was a two story building) had only its stove pipe showing above the snow. About two months later I was making one of my usual spring business trips up that 84 way, and at La Porte and Gibsonville they told me they doubted if I could get through by way of Onion Valley, thence to Nelson Point, then Quincy, but I had a good team of horses and took a chance, but finally the snow on the road made me lose my way. I finally reached the top of quite a high knoll and there at the base of the knoll was the Mullen Hotel. I called out and the proprietor came to the door and with a fog horn voice yelled out, “what in h— are you blankety blank dam fool doing up there?” He said, “Why don't you drive down the side of the hill?” I thought he meant it and started down and the horses, my buckboard and myself landed in a heap; then he “balled me out” again; well I was marooned there for three days before I could continue on my way again but I had a lot of entertainment as the proprietor could tell the greatest number of stories, with the greatest gusto and with the loudest mouth, I believe it has ever been my lot to meet; he certainly was some mountain character.

DONNER PARTY

It was in October 1846 that the Donner Party had its sad experiences commence, while on their way to California. The party consisted largely of the Donner, Murphy and Graves families; in all, there were ninety members of the party of which only forty-eight finally survived. It was in the Spring of 1847 when the survivors arrived in the foothills and valley area, many remaining at the various settlements east of Marysville and Wheatland, among those coming to the Marysville area being the Murphy family. In the latter part of 1847, W. G. Murphy moved from the Cordua Ranch to Nye's Ranch (afterwards Marysville) and for many years afterwards played a prominent part in the City's affairs. He was a lawyer by profession and a very interesting character and when I first ran for County Supervisor in 1888 he was one of my staunch supporters.

CHAPTER XLI

San Francisco Earthquake and Fire

THE earthquake in San Francisco was on April 18, 1906 and two days afterwards, on April 20th, 1906, a mass meeting was held in the Marysville City Hall. The meeting was called to order by Mayor G. W. Hall, who stated that it was time for action and not words and asked that a subscription list be immediately opened at the meeting of those present. I "opened the pot" with \$100.00 for the W. T. Ellis Company, this was immediately followed with \$100.00 subscriptions from T. J. Kelly Co., J. R. Garrett Co., Valley Meat Co., Kelly Bros., Powell Bros., and others and within about one hour, \$5,000.00 was raised and the following day, the Garrett Company, Ellis Company and the Buckeye Mill shipped, what was understood to be, the first carload of foodstuffs to the stricken City. Many present at the meeting remembered that when Marysville was flooded in 1875, San Francisco loaded up a river steamer with foodstuffs, blankets, bedding, etc., which was thankfully received and 85 Marysville wanted to reciprocate the favor. Within a few days, something like \$11,000.00 was subscribed in all for San Francisco.

A few days later, I went to San Francisco and walked up the center of Market Street to the City Hall, which was in ruins; I had to take the center of the street as the sidewalks and gutters and for considerable distances out in the street, was rubbish of all descriptions. The fire which followed the earthquake was, I presume a blessing in disguise, as practically no earthquake insurance was carried at that time and the fire enabled property owners to obtain fire insurance on badly damaged buildings which would have had to be repaired or torn down without any remuneration to the owners. It was a severe blow to the insurance companies; many paid their losses in full; some made part payments while some foreign companies welched and paid little or nothing. The State at large, however, had all insurance rates raised by the insurance companies for a number of years following the fire and in that way, the insurance companies were reimbursed to a certain extent by property owners throughout the State; as the State in general had a natural interest in the prompt rebuilding of San Francisco, it seemed fit and proper that such assistance should be rendered. To me, however, the new City lost the romance and associations of the original city; the old Palace Hotel with its tiers of indoor balconies, and its indoor carriage drive way; the old Occidental Hotel, Grand Hotel and others; the Pup, Poodle Dog, Zinkands, Marchands and other famous old French restaurants, which I had known so well, also the Goodfellow's Grotto, near the City Hall where a luscious steak

could be obtained for 25¢, which would now cost you \$1.25 in a San Francisco restaurant, were gone forever. With it went also, the finer saloons, where lunch counters were maintained, where wonderful roasts, assorted vegetables, etc., were served, presided over by a chef, immaculate in his white jacket and apron and rimless white tall hat; everything was free, all that was expected of you was to patronize the bar, which was of course always done, sometimes quite often when several friends met and each in turn would “set them up.”

In those days, there was published a “poem” which made quite a “hit,” as follows: There's lots of time to burn, There's a devil of a lot to learn, Out in Frisco; Where they make their human matches, To end in single scratches And the husbands mix their latches, Out in Frisco. Where the red lights are contagious And the conduct is outrageous, Out in Frisco.

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You get next at Sanguinetti's Where the girls forget their pretties, Out in Frisco, And the blood-red native wine Mixes up the clinging vine And she calls you “Baby Mine,” Out in Frisco. Next day you meet at Zinkands And you hold the dear girl's hands, Out in Frisco. Dry Martini, then another, And she telephones to Mother She'll take dinner with her brother, Out in Frisco. If in Poodle Dog a crowd, Disturbs your nerves with noises loud, Out in Frisco, You will go just one floor up And in privacy you'll sup Close beside your buttercup, Out in Frisco; Or, in the elevator, If, in parlance of the waiter, Out in Frisco, You more quiet wish to be, You will stop at Number three Just to see what you can see— Out in Frisco. If your conscience then is rife Cause it's another fellow's wife, Remember this is life, Out in Frisco.

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When you finally cash in And end this life of sin Out in Frisco, They will gently toll a bell, Plant your carcass in a dell, No need to go to hell, You're in Frisco.

CHAPTER XLII

Military Experiences and the Debs' Strike

IT WAS about 1883 when a number of school boys formed a Zouave Company in Marysville; there were about forty in the Company, their ages from about fifteen to eighteen; as I remember it, I was a Second Sergeant in the Company. We had very gaudy uniforms, a red fez for the head, a snappy blue short jacket with plenty of braid ornamentation and our trousers were very bright red and very baggy, reaching to about the knee and with white puttees on our legs from the knee down. We were always on hand for 4th of July and other celebrations and gave occasional exhibitions of marching, bayonet drills, etc., at entertainments; we “showed off” every chance we got.

Later on a Company was formed called the Marysville Guards of which Godfrey L. Carden was Captain and I was a Second Lieutenant. I was instrumental in forming this Company, advancing most of the money with which to purchase at a very low price a lot of discarded old Springfield Rifles from the Government and my father permitted us the free use of a large vacant hall on the second story of the brick building still situated at the southeast corner of D and First streets. We did a lot of target practice on the south side end of the D Street bridge; just before Thanksgiving, we would hold a “turkey shoot” on the sand area; the turkeys would be buried in the sand with just their heads sticking out for targets; ten shots were sold for a stated price and if the turkey's head was hit, it was the marksman's turkey. The range was rather long and the target was rather small so we picked up some profits for the Company's expenses. This Company was in existence for several years until one day, when an annual election for officers took place, there were two rivals for the office of Captain; a free-for-all fight took place, a number were thrown down the steep flight of stairs, my father came over to investigate and refused further use of the hall and the Company disbanded.

In 1892 a militia Company was formed, this Company being Company C of the Eighth Regiment. George Baldwin was Captain, John S. Lydon was First Lieutenant and I was Second Lieutenant; there were other Companies at Oroville, Chico, Red 88 Bluff, Redding and Colusa forming the Regiment. Regimental Headquarters were at Chico, James Montgomery was General, Park Henshaw was Colonel. The Regiment held annual encampments for a week each year at some one of these towns, daytime was given over to Regimental parades, etc., and the greater part of the night

time was given over to dances, banquets with plenty of instruction in the graceful and convivial art of “bending the elbow” while maintaining your balance with one foot on a brass rail.

Colonel Henshaw was a good sport and had a most convivial nature when he was off duty, but when he was on duty, he was a strict disciplinarian; his Regimental Sergeant was Ulrich Collins; he and I were great cronies, he was a “perfect blonde” while I was a decided brunette, wearing those days a full pointed black beard. On one occasion, when the encampment was at Chico, on the last day of the encampment, there was to be a grand parade at the Camp Grounds under the oaks in Bidwell Park. The Colonel was using a very fine white horse for his mount which he had borrowed from a friend and Collins and I decided we would have some fun with the Colonel that day. Just before the parade took place, Collins and I obtained some nitrate of silver and just before the Colonel came for his horse we striped the horse with the nitrate of silver in rows. This was not apparent at the time but as soon as the Regiment was in formation, with the Colonel sitting erect on his horse in the sun, the sun's rays commenced to get to work, the stripes of nitrate began to show black, the horse gradually commenced to look like a zebra, the assembled large crowds of people who had come to view the show commenced to laugh. The Colonel, sitting up stiff and erect in his saddle, did not know what the merriment was all about, but when he discovered the reason, “was he mad”; he borrowed another horse and the parade commenced but the occurrence nearly wrecked the parade. When the parade was over, the various Companies started to return to their various home towns but the Colonel was running about trying to find who those “son — — were who had pulled this dirty trick on him,” but he did not find out at the time. Collins sent me word to keep still, that the owner of the horse threatened to sue the Colonel for \$200.00 damages to his fine pet horse but that the Colonel had compromised by having the hair on the horse clipped and so take off the disfigurement to the horse's appearance as the horse itself was not injured. At the next annual encampment which was held in Colusa, when the week was ended, Collins and I told the Colonel who had been guilty; well he was “off duty,” and so was in excellent good humor; several of us had “chipped in” and had ready an open landau with four horses driven by Noah Sligar from his Marysville stable and we invited the Colonel to drive back to Marysville with us. It was a hot day, a very large cake of ice was placed in the floor of the rig, plenty of bottled refreshments were

placed about the ice to keep us cool on the way over. On the way over the Colonel went to sleep with one of his legs stretched out on top of the cake of ice. When we arrived at the Western Hotel at Marysville and the Colonel awakened, he couldn't walk, his leg had been on the ice too long; we had to carry him into the hotel; his leg wasn't in good shape for several days; he had another score to settle with Collins and myself. Those encampments were rather lively affairs.

It is not generally known that Company C of Marysville held at that time the enviable title of Champions of the World for rifle shooting at 200 yards, off hand, fifty men competing on a side. This honor was won by the members of Company C on May 19th, 1895 and it has, I understand, never been equaled. The Marysville Militiamen won over the members of Company B of the National Guard of San Francisco on that date, by seventy-five points, the score being Marysville 1982, San Francisco 1907; this was thirty-one points better than any showing made before or since in a National Guard match between one hundred men. The officers of this Company at that time were Captain E. A. Forbes, Lieutenants George H. Voss, and Phil J. Divver, Sergeants Henry Schuler, David Canning and Peter J. Delay. In the year 1898 when volunteers were called for in the Spanish-American war, Company C then became known as Company D and proved the machine through which a volunteer Company of 105 men, including officers, entered that war. This Company went into training at Camp Barrett, Alameda County, under Captain George H. Voss where they remained three weeks before being mustered into the regulars. Later, some of the Company members were sent to barracks at Mare Island, the others going to Vancouver, B. C.

I had advanced to the position of Major, Fifth Brigade, N.G.C. and happened to be taking a week's vacation at Bartlett Springs when, on July 23, 1894 I received instructions from General Montgomery from the Chico Headquarters, that I had been "detailed with the Eighth Regiment of Infantry and will report immediately to Colonel Park Henshaw, Commanding, at Sacramento for duty." The great railroad strike, eventually affecting every railroad in the United States had commenced just a short time previous, generally known as the "Debs' Railroad Strike." I took the first stage back to Marysville, put on my uniform and as the trains were still operating, took the first train for Sacramento. I reported to Colonel Henshaw at his headquarters and asked for instructions; the Colonel informed me that all the Companies of the Regiment had been ordered immediately to

entrain for Sacramento and I was first to pick out a camp site somewhere near the Southern Pacific's American River bridge and report back to him. I picked out a large vacant area at the corner of 8th and D Streets (which happened to be the same streets where I lived in Marysville); there were only a few scattering houses in that vicinity and a man came out of one of the small shanties, no doubt curious, and seeing me dressed in a uniform and looking over the property asked me what I was looking for. I told him I had selected the property for a camp site for a lot of soldiers; he said we could not have the site until we had paid him rent in advance; he was told we would take the site and discuss price afterwards; he told me that he would have me arrested for trespassing if I did; he was told to go right ahead. Returning to Colonel Henshaw for further instructions, he told me there would be about four hundred men arriving in the next two days and I was to arrange for commissary supplies for the camp and was to order supplies only for one day's requirements each day for the camp. I said "Hell's bells, Colonel, I am no hotel kitchen chef, what do I know what a large kitchen camp wants, where am I to get these supplies and what do I pay for them with?" He replied, "You are in the grocery business and should know what should be wanted in a kitchen and you surely are acquainted with some grocery and produce stores in Sacramento; go and order what you want and tell them to 'charge the bill to the State' and get busy; those are your orders, then report back to me the results." I sat down, made out a long list of what I thought was wanted and then called on a large retail store, being acquainted with the proprietor, gave the order and told them to "charge the bill to the State"; did the same thing with a butcher shop and some other stores and told where to deliver the goods the following day, by which time kitchen tents had been erected and the commissary department ready for business. I thought I had ordered a plentiful supply but when the cooks got busy, there were many things I had overlooked and I got cussed good and plenty, behind my back. In a few days, as the orders for goods each day were quite large, I presume that the store proprietors got a little uneasy about "charging to the State," so one of them, when I called to place an order said, "Now Major, we appreciate the very nice business you are giving us but we really are not hoggish and believe that some of our competitors are entitled to some of this nice business and we would suggest that you scatter your orders about with some other stores." I took the hint and patronized other stores but they soon gave me the same "suggestions" about the "nice business" I was giving them. I never had the nerve to ask prices, they always gave me bills

and they all certainly knew how to charge good prices; eventually, when I okayed these bills I cut down the charges very materially and sent them to the Adjutant General's office. I have always felt ashamed of having done this because it was several years afterward before the State Legislature made appropriations to pay these bills. My records show that the cost of three meals a day for a regiment was 41 cents per man.

Our Regiment patrolled the railroad tracks on the north side of Sacramento and the railroad bridges; other National Guard Companies were detailed for duty at other points; several of the Sacramento City Companies were in and about the passenger depot and freight yards. This was a mistake soon found out, as many men in the Companies were friends of the strikers and when orders were given the strikers to disperse, they only laughed and kidded the officers; this same thing happened in various places and then, regular army troops arrived from the Presidio and soon brought order out of chaos and our, and other, National Guard regiments were ordered home. For some years afterward I was kidded about the “mulligan and sockeye” stews I had provided for the boys while in camp; I decided that as a “Commissary Major” I was a “washout.” Shortly afterward, having served about ten years, I resigned from the service.

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CHAPTER XLIII

Liberty Loan Drives

DURING the world war, Mr. Herbert Cave and myself had charge of all the Liberty Loan “drives” and in each case we put Yuba County “over the top” with plenty to spare on each drive. At first we had considerable difficulty with several naturalized German citizens, three in particular. All three of them had lived in Yuba County for many years and two of them were very affluent while the other was in only moderate circumstances. The latter was very pro-German and got to be so outspoken that he was brought before the Superior Court Judge and threatened with being sent to the Federal Prison at Alcatraz Island; after that he subsided. The other two still continued absolutely to refuse to subscribe for the bonds so I sent them a letter to appear at our headquarters on a certain day and

at a certain hour, absolutely without fail or “some action would be taken.” It had the desired effect, they both appeared and we told them just how much each had to subscribe and they were very substantial amounts; they wanted to know what would happen if they failed to subscribe and they were told that it was up to them to subscribe or not, it made no particular difference to us, but that “they would be exceedingly surprised and greatly inconvenienced if they decided not to subscribe”; knowing what had been threatened to the third one who had been taken before the Superior Judge, they weakened and subscribed for the amounts we had allocated to them. I had always been on friendly terms with these two men but after that, one of them has never spoken to me since. Had they refused, I really do not know what I would have done as I “had no aces up my sleeve.”

The various Red Cross drives were in charge of Mrs. P. T. Smith; she was an indefatigable worker and also succeeded in “going over the top” with every Red Cross drive; she never took no for an answer from anyone, the word “no” was not in her vocabulary.

CHAPTER XLIV

Navigation on the Feather and Yuba Rivers

IN 1849, the Steamer “Linda” which had come around Cape Horn from the East, made a trip up the Yuba River for a distance of about four miles, where a landing was made and a town site was laid out and called after the Steamer, the district south of the Yuba River taking that name, which it bears to this day. The Steamer “Phoenix” also made a trip up the Yuba River to Owsley's Bar, in 1854, which place is approximately opposite the present location of Hammonton, about ten miles upstream from Marysville. A few years afterwards, George C. Perkins, (later U.S. Senator) 92 conducted a grocery store at Oroville, loaded a large steamer with supplies and had same delivered to Oroville, which is 34 miles upstream on the Feather River from Marysville. In the *Sacramento Bee*, under date of February 16, 1862, appears the following news item: “Captain Gibson's steamer “Defiance,” after having been engaged for some weeks in annoying the Marysvillians and proving that the Feather River is navigable to Oroville, returned to this City yesterday afternoon.”

Many steamers and sailing vessels were making regular trips from San Francisco to Marysville at that time, as Marysville was the natural distributing point for the mining section of the State, it being of record that on August 27th, 1850, there were twenty-four sailing vessels at the landing in Marysville. On August 22, 1851, there arrived at the wharf at Marysville with full cargoes, seven steamers, viz, "Marysville," "Kennebeck," "Yuba," "Mansel White," "Fashion," "Orient," and "Gamecock." At this same time, many other steamers were navigating between San Francisco and Marysville, among them being the "Confidence," "Camanche," "Jack Hayes," "American Eagle," "Urilda," "J. Bragdon," "William G. Hunt," "Fashion," "Faun," and the "New World."

At about that time the passenger rates from San Francisco to Marysville were \$35 and \$25 from Sacramento to Marysville. The freight rate was eight cents per pound, including baggage, blankets, etc. In 1852 strong opposition sprang up between the various steamers and the fare dropped to \$5 and then to \$2.50 and some steamers hauled passengers free. Shortly after this, a combination was made to raise freight rates, a new company being formed called the California Steam Navigation Company, with a Capital Stock of \$2,400,000 and freight and passenger rates were advanced. This new combination was very unsatisfactory to the best interests of Marysville and a public meeting was held to consider the matter which resulted in the formation of an opposition line called "The Citizen's Steam Navigation Company," with a Capital Stock of \$175,000. The rivalry between these two companies caused the old company to drop its freight rate from \$25 a ton to as low as \$1.00 per ton and the passenger rates were reduced to 25 cents. Sharp rivalry and opposition resulted and races were resorted to and consequently collisions were by no means rare. In 1855, finding that too sharp opposition was injuring both companies, a compromise was effected whereby uniform rates were established.

The filling of the rivers with hydraulic mining debris finally forced the old companies to withdraw their steamers as they drew too much water and finally, in 1874, the Marysville Steamer Company was organized at Marysville, and steamers were constructed especially for the new river conditions. This company was organized by my father, W. T. Ellis, associated with D. E. Knight and N. D. Rideout. The company had three steamers which were named the "C. M. Small," "D. E. Knight No.

1,” and “D. E. Knight No. 2.” The steamers were 160 tons register each and in conjunction with the steamers, were four barges, used also to haul freight and towed 93 behind the steamers, these barges being 350 tons register, each. This steamer line operated for sixteen years, my father being the business manager and during the last five years of the company's existence, I was bookkeeper and collector in addition to my other duties in my father's mercantile affairs. In 1890, one of the partners, N. D. Rideout (the banker), bought out the interests of his two partners, as at that time, Mr. Rideout, who then owned the railroad extending from Marysville to Oroville, had started an extension of that railroad from Marysville to Knights Landing, through Sutter County. After he had this new railroad completed, he sold out his railroad and steamer interests to the Southern Pacific Railroad Company and very soon afterwards, the railroad company withdrew the steamers from the Marysville run and operated them from Sacramento south.

Under the terms of the sale, the two other original owners (W. T. Ellis and D. E. Knight) were given a written agreement by the Southern Pacific Company that they were to be guaranteed their old steamer rates on any shipments which they had from San Francisco to Marysville by rail, and each month rebates were given on such shipments; later on, these rebates were given to all large shippers in Marysville. Later still the railroad company decided to violate this agreement and stop this rebating, so Knight & Ellis, then had constructed a steamer barge, named the *Acme* and again resumed navigation to Marysville. Not enjoying this new competition, the railroad company, then purchased this new steamer *Acme* and resumed the rebating. Later on, the Interstate Commerce Commission ruled that all rebating by all railroads in the United States must stop and after that, the Marysville merchants had to pay regular railroad rates. In after years, when a successful attempt was made by the Cities of Sacramento, Stockton, Oakland and San Jose to take away, “terminal rates” from the City of Marysville, I appeared before the Examiner of the Interstate Commerce Commission and placed a record of these matters before him, including the original agreement made between the Southern Pacific Company and Messrs. Knight & Ellis, guaranteeing rebates on rail shipments from San Francisco to Marysville. This was in 1914.

During the sixteen years my father managed this steamer line, the steamer rates were always less than the railroad rates from San Francisco to Marysville and we handled no freight except to or

from Feather River points and did not compete for business on Sacramento River points; we did no passenger business.

Our freight rates on general merchandise from San Francisco to Marysville were \$3.00 per ton, while rail rates on the same class of merchandise were \$5.20 per ton, between the same points. Our rates on grain, taken from the banks of the Feather River at various landings were \$2.20 per ton, delivered mostly at Port Costa, most of the grain being unloaded at ship's side there, into large steamers which took the grain to Liverpool. This steamer line was conducted with a very satisfactory profit each year of its existence and the Company would probably not have sold out but for the fact that river conditions continued to grow from bad to worse from mining debris and 94 navigation, at times, was very difficult. During the last three years of the Company's operations, there were handled 28,240 tons of freight between San Francisco and Marysville per year and business commenced to slacken as many shippers declined to take the risk of shipping by river after we had lost one steamer and two barges with full cargoes of freight because of the bad river conditions and marine insurance companies declined to issue any more policies on either the steamers or their cargoes. After that, occasionally a steamer would come up the river with some special cargo but regular service ceased from then on.

In 1910, there started considerable discussion in connection with rehabilitation of navigation on the Feather River and in the following year, May 20, 1911, I decided to make an investigation of river conditions. Accompanied by County Engineer, Leslie B. Crook, we started down the river in a row boat, taking soundings at many places as far down the river as Nicolaus; we found the condition of the river very much better than we had expected and so reported upon our return.

It was then arranged to have a large committee of citizens make an inspection of the river; we all went to Nicolaus where we had arranged to have a small steamer from Sacramento come up to meet us and take us to Marysville. We left Nicolaus at 9:50 A.M. and reached Yuba City at 2:00 P.M. taking soundings at various places enroute. The committee was very much enthused, meetings followed, the City authorities were interested, a road was built from Third Street to the River and a landing constructed with a shelter warehouse. This was all accomplished the following year and

it was planned to endeavor to interest some steamer to operate to Marysville; this took some time but finally arrangements were completed with Captain A. Fay, owner of the Steamer *Weitchpec* to make regular trips to Marysville, bringing freight from San Francisco and Sacramento. The *Weitchpec* was 100 feet long, 20 feet wide and 4.4 feet deep and drew 16 inches of water; it had also two barges, both of 300 tons capacity. The first trip was on February 1, 1913 and it operated till June of that same year, at which time the water in the river had lowered so much that navigation was difficult. During the four months of its operations it carried 2,729 short tons of freight valued at \$159,046 and the rates charged were 75 per cent of the rail rates. At that same time, several tows of dredgers and oil barges were made from Sacramento to points on the river below Marysville. We hadn't done much navigating but we had accomplished what we had set out to prove, that the river was navigable easily for about eight months of the year and there was sufficient water for navigation for the remainder of the year if some works of improvement, such as wing dams, etc., were constructed. This was then followed by an effort to obtain Federal assistance; in the meantime, we had obtained an Act of Congress under date of March 4, 1913 for a preliminary examination of the Feather River. A public hearing was held at Marysville on August 5th, 1913 before Major S. A. Cheney and Captain A. B. Barber, Corps of Engineers, at which hearing many persons gave testimony and I filed a brief, which I had prepared, giving a complete history of early navigation, history of the Marysville Steamer Company, which I had been connected with, the possibilities for business for navigation and other pertinent matters.

As a final result of this hearing and the reports which had been filed with Dan C. Kingman, Chief of Engineers, U.S. Army at Washington, through the efforts of Congressman William Kent, a preliminary appropriation was made of \$10,000 for experimental correction work, contingent upon a like amount being raised locally. We raised \$2500 from each of the Boards of Supervisors of Yuba and Sutter Counties and \$5000 from the State and these monies were turned over to the Federal Government. The Federal Engineers then commenced work on wing dams at various places on the river and were expending considerable of the money in this way, when the world war and the participation of the United States stopped all work of this kind.

After the war and realizing the immense amount of water which was then being taken out of the two rivers by large irrigation canal systems, I came to the conclusion that in the future, during the natural low water periods of the river, the chances of navigation during the late summer months would probably be an impossibility but that perhaps this condition could be cured by locks in the river. I approached Major Cheney on the subject and asked if he could expend the remaining sums of money, left on hand when the war stopped work, on a survey to ascertain the possibility of canalization of the Feather River. Major Cheney was interested but explained that the money had been appropriated for work and not surveys and it was impossible for him to so expend the money. I then took the matter up with Congressman Kent and after considerable trouble, he was successful in getting the Congress to pass an Act authorizing the remaining money be so expended for surveys.

The surveys were made under the direction of Major U.S. Grant, 3rd, and on May 29, 1925 the report was made. It planned for three locks, one just below the confluence of the Feather and Sacramento Rivers and two upstream on the Feather River, the total estimated cost being \$5,709,998. (See Document No. 1, 69th Congress, 1st Session.) Well we had the plan but we realized that the freighting business on the river would never justify the expenditure of that sum of money so we dropped the idea. When the Shasta Dam and also other dams are constructed on the Feather and Yuba Rivers, as now planned for under the Water Conservation Plan, then the Feather River will become navigable again to Marysville, in the summer as well as in the winter months, but not before.

CHAPTER XLV

Dredging Feather River for Navigation

EVER so often, some proposal is advanced by various persons, that the Federal Government should dredge the debris out of the Feather River from its mouth to Marysville and so rehabilitate navigation.

About two years ago, the same suggestion was made and to demonstrate the impracticability of such a thing, I gave the following estimates:

The distance between Marysville and the mouth of the Feather River is 28.3 miles; the average width of the low water channel, between natural banks is about 375 feet.

Now if one will multiply 28.3 miles (length of the river) by 5280, (the number of feet in a mile), this will give the entire length of the river as 149,424 feet. Then if you multiply that last number by 375 (the average width of the river) it will give the entire surface feet of the river low water channel at 56,034,000 square feet. Now if we assume that the river should be dredged only five feet, then multiply the last mentioned number of square feet by 5 and it will give 280,170,000 cubic feet which would be dredged; again, if we divided this last mentioned number of cubic feet by 27 (the number of cubic feet in a cubic yard), it would result in 10,376,666 cubic yards of material to be dredged to lower the bed only 5 feet. The cost of dredging in the lower Sacramento River by the large Government dredgers has been eight cents per cubic yard, where working conditions are more favorable than they would be on the Feather River, so it is safe to assume that ten cents for dredging on the Feather would be a very low figure and if so, then to dredge 10,376,666 cubic yards at 10¢ would cost \$1,037,666.60. Again, rights of way would have to be secured to store this dredged material and what would that cost? Assuming, however, that the work was actually performed, the river was dredged five feet deep, would that depth be maintained? The answer is that it certainly would not, because we must remember, that the Yuba, Feather and Bear rivers are constantly discharging old mining debris in the river below Marysville every year, particularly when freshets occur and this discharge of old debris will continue for many, many years hence, so it is safe to assume, that if the river was dredged five feet deep, in only a few years, the flow of debris would fill the excavated area and the river's bed would again assume its necessary and natural gradient, which is governed by the bed of the river down stream from the mouth of the Feather River. Whenever the Feather River's bed is lowered, it will be only by the current action of the river itself combined with a gradual diminution of the old mining debris, left in the upper

reaches of the rivers, by early day hydraulic mining which was the cause and the only cause of the present conditions of our rivers.

CHAPTER XLVI

Experience as a County Supervisor, First Time

MY first experience as a County Supervisor commenced when I was elected on November 6th, 1888, when I was twenty-two years of age. I was elected at a regular election to fill a vacancy on the Board that was caused by the resignation of George W. Pine who had been elected to another public office.

When I was a candidate for this office, there were three other candidates in the field 97 besides myself. One ran as a Democrat, one as a Republican, one as a Prohibitionist, while I ran as an Independent; and, very much to my surprise, I was elected. For two or three years previous, I had been taking an active interest in the hydraulic fight, making several trips to the mountains as a “watchman,” gathering information about mines which were operating and doing damage, etc., all for a “little excitement,” as I took no pay for my services. Presumably, that was the reason for my election.

Several years previously, a flag pole had been removed from the north tower of the Court House because it and the flag were very large and the tower was endangered when a heavy wind blew; so my first official act was to have a smaller pole erected on the roof of the building and I took some pride in running up the Stars and Stripes again.

The roads in the county those days were terrible, exceedingly dusty in the summer and almost impassable in the winter, except some few miles of the main valley roads which had some gravel on them. As for the mountain roads, some of the “toll roads” were kept in fair condition, but there was hardly any traffic over the mountain roads during the winter months except by the stage lines and they had great difficulty at times keeping on schedule. As a result, the stores in the mountain towns and many of the inhabitants laid in full stocks of goods, not later than the first of November, enough

to last them until the following spring when the roads would “dry out” sufficiently to travel, which was usually about the first of April.

I broached the subject of a bond issue to obtain funds with which to gravel some of the main roads but dropped that idea very quickly when I ascertained from bankers that even though the people might vote in favor of a bond issue, there would be no hope of selling the bonds because the quite general opinion then prevailed that the rapid filling of the rivers was going to result in the ruination of the better valley lands as well as the City of Marysville itself. That thought was in every one's mind, it was the chief topic of conversation. The total assessment roll of the County at that time was \$6,771,915.00 or about one third of what it is at the present time.

The financing of the litigation in the hydraulic mining issue was paid for jointly by Sutter and Yuba Counties. In Sutter County, the vote for such appropriations was always unanimous but in Yuba County, two of the members of the Board were always from the mountain district and quite naturally were favorable to hydraulic mining, so the vote of our Board was always three “for” and two “against” such appropriations. One of the members of our Board was James Malaley; sometimes he would attend meetings a little “lit up.” On one of these occasions, when one of these claims came up for payment, for a joke, I got him to vote “aye,” he not knowing just what he was doing. When the published proceedings came out in the newspaper, having him on record as so voting, he had a lot of explaining to do to his constituents in the hills. At the next Board meeting, in very “choice” language, he told me what he thought of my jokes.

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During my term as Supervisor, I made several more trips in the mountains as a watchman; we were anxious to get information with which to get an injunction against the North Bloomfield Mine, one of the largest in the mountain area, the President of the mining company being L. L. Robinson, who was also President of the Hydraulic Miner's Association. Finally we got some information from two watchmen whom we had kept there for some months. They posed as gamblers, and by keeping their ears open and taking strolls, we ascertained how the mine was operating. This mine was an immense bowl, made by washed out debris, the banks in some places being 530 feet high;

the hydraulic monitors had eleven inch nozzles, and a number of years previous, what was then considered quite an engineering feat, a tunnel had been constructed through the mountain for better drainage of the mine and, through the tunnel, debris also escaped. The owner, Mr. Robinson, in an effort to stave off law suits, had constructed a dam across the westerly half of the mine and his sluice boxes emptied on one side of the dam, forming a small lake, where the debris was supposed to settle and the water, cleared of any large quantity of debris, would escape over a spillway, then through the tunnel, thence into Humbug Creek, to the south fork of the Yuba River. Our watchmen discovered, however, that, while some debris was being stored and restrained by this dam, that most of the time, the greater portion was allowed to escape through the tunnel by an extension of the sluice boxes, in which was a cleverly camouflaged secret opening in the flume, which no one would observe, should any inspections be made by occasional visitors who might be permitted to see the mine. After we had obtained information of this secret box opening, Mr. George Ohleyer, President of the Anti-Debris Association wrote to Mr. Robinson and complained that his dam must not be restraining the debris as it was reported that the tunnel was discharging heavy material. This letter was written in the hope that Mr. Robinson would invite inspection. Feeling safe that he could fool us, Mr. Robinson “fell for the bait,” invited Mr. Ohleyer and myself to come up and offered to demonstrate to our satisfaction that he was restraining debris properly. What happened will be explained in another chapter.

At the end of my term, being a County Supervisor did not appeal to me much, as funds did not permit of much constructive work, so I was not a candidate at the next election.

CHAPTER XLVII

Experiences with James D. Stewart

AS a young man, when I first got into active participation in the hydraulic mining fight, I was familiar with the names of various large mine owners, particularly of Jim Stewart, but never came in personal contact with them, for the very good reason, that when we obtained information through our watchmen, (the miners called them 99 “spies”), that some mine was operating and

doing damage by letting its debris flow into the river and we had proof of this fact and could demonstrate it in court and ask for an injunction, these mine owners made themselves “scarce” so that injunction papers could not be served on them. As a result, many miners went into “seclusion,” some took trips to Europe and sundry other places, leaving their properties in the hands of their superintendents. We used to play “hide and seek”; to go into court with your proofs and obtain an injunction was not very difficult but to serve the injunction on the mine was an entirely different matter and Jim was an expert at the “hide and seek” game; it was Jim Stewart who first conceived the idea of leasing their properties to Chinese and which was the boss, the cook or one of the workmen, no one could ever find out, their only reply to questions was “no sabbee, no sabbee.”

We also had considerable difficulty with the watchmen we employed to get information; in many cases they “sold out” to the miners and reported back that mines were not operating, when they really were. Some of these watchmen would pose as gamblers and take odd times to “look around” to obtain information which was rather difficult as most every mine had armed guards at various places to see that “suspicious characters” did not get close to the mines. Some of these men who posed as gamblers for us, had of course to keep up appearances by actual gambling, and in several instances, they were darn poor gamblers (or said they were) and we would have to stand for their gambling losses in addition to their salaries. We then had to send actual farmers themselves, who were vitally interested in the problem, to serve as watchmen. That didn't work so well in two instances, one of these watchmen being a large rancher who also raised fine work horses and we found that he was selling horses to the miners for about \$500 when their actual worth was about \$150, and he could not “see” anything wrong. Another party was interested in the flour business and we found that the brand of flour he sold was a “very popular” brand in many of the kitchens of the mining camps; he was exposed to us by a United States Engineer, who gave us a written statement of the facts. I still retain this information in my office.

Occasionally our watchman would be shot at, when they got too close to a mine and they would “make tracks” in a hurry. We almost always had men go in pairs so that if necessary, they could corroborate each one's testimony. I made several trips with a companion, just for a little excitement; we were “snooping around” the Blue Tent mine and had gotten very close without being observed,

when suddenly we heard the crack of a rifle and the bullet hitting rather close by, this followed by another shot. We didn't wait to argue, we got out of there "hell bent for election" (an old time saying).

I really believe that the marksman was not a poor shot but just wanted to scare us away; if that really was his intention, he was successful. There was a watchman named Fleetwood, who lived in Yuba City and made many trips for us; it appears that he and his companion got separated in the timber and he was discovered and shot at. On his return he told us of his experience and said several men got after him, all shooting 100 at the same time. In after years, when the "war" was over and Jim Stewart and I had become acquainted and had really become good friends, we were talking over "old times" and I told him of this man's experience. He immediately remembered the man and the circumstance and said that in place of "several men" being after him he (Stewart) was the man himself who did the shooting; that he had not attempted to hit the man, he just wanted to scare him good and plenty and said that he had run after the man for about a half mile, emptying his revolver several times, shooting over his head. He said the man was sure scared because when he (Jim), retraced his steps after scaring his man, he picked up various things which Fleetwood had dropped in his mad flight, consisting of his hat, coat, pocket knife, tooth brush and other things which he had either discarded or dropped out of his pockets, trying to do the fastest time on record in his run.

We finally got quite provoked about this leasing of mines to unknown parties so at one of our meetings of the Anti-Debris Association, we decided to take some action which might have the desired effect.

A few weeks previous, an injunction had been issued by our Superior Judge, (Judge Keyser), enjoining the owner, superintendent and some thirty of their employees from operating the Omega Mine. Our watchmen discovered that the injunction had been ignored, the mine was being operated, and no attention being paid to the court summons. Our District Attorney, E. A. Forbes, got out papers for contempt of court. Secret arrangements were then made with the Southern Pacific Railroad for an engine, passenger coach and box car to come from Sacramento and stop on the main track of the Yuba River railroad bridge, in the thick timber which existed there at that time.

Sixteen of us had been sworn in as deputy sheriffs the day before, and by ones and twos, we walked across the bridge, so as to not attract attention and all met in the timber where the train was to stop and meet us. When we got on the train, we stopped at Yuba Station, where we loaded a wagon and horses into the freight car.

We left at 3:30 P.M. on a Thursday afternoon on April 18th, 1889, pulled down the blinds and started for Emigrant Gap, which we reached shortly after midnight; we unloaded and started for the Omega Mine, about eight miles distant over a mighty bad road, covered with snow and slush, most of us walking the entire distance to keep warm. We reached the mine just at daybreak, surrounded the rooming house, then called out for the inmates to come out and surrender. Immediately there was a great stir inside the house, doors and windows were hastily barricaded and it looked like a fight ahead. Finally however, there was quiet inside the house and then finally, a number of our men, finding a large log handy, rushed with it against the front door, breaking it down, the rest of us following in ready for action. It was rather amusing however, when we found no one in sight, the inmates had hid under beds, tables, in a basement and up in the eaves of the house; they had plenty of arms and ammunition, but they showed no fight. We got the bunch out, placed handcuffs on them and 101 started on the long weary trek back to Emigrant Gap. We were in a hurry, wanting to get out of the country as soon as we could but the prisoners wanted to lag on the way and had to be hurried by some well directed swift kicks; the one I had was very “onery” but after I had prodded him several times in the ribs with the rifle I carried, he “got a move on.”

We reached Emigrant Gap, embarked on the train in a hurry and started for Roseville at high speed, having arranged for a “clear track” to that place. When we reached Roseville, we were much relieved, on the trip down, we feared that some telegraph operator would “tip” some one off and the train might be ditched; we wired home from Roseville and reached Marysville at 4:00 P.M. and practically the whole town was at the depot. We marched our twenty prisoners to the County Jail placing them in charge of Sheriff Saul. The following day a Mr. Frank M. Stone, an attorney from Stockton appeared on their behalf and made all kinds of demands and complaints but on April 25th, Judge Keyser fined each of them \$500.00. They all expected their mining friends to pay their fines but failing to do so, were kept in jail for several months, when the County, getting tired of feeding

them, made an arrangement, by which some lumber company took them off the County's hands and took them to Oregon to work in a lumber camp. I was a County Supervisor at that time and some of the mountain newspapers "roasted" me "good and plenty" for being a County Supervisor and stooping so low as to be a "kidnapers and a spy."

After the Judge Sawyer decision and later on, with the adoption by Congress of the "Caminetti Act" in 1893 which was the miner's own legislation and placed hydraulic mining under the charge and supervision of the Government Engineers, known as the California Debris Commission, hydraulic mining, with this Commission's regulations, began to wane and became practically a dead issue for the next thirty-six years, until the sudden and unexpected "resurrection" when the Cloudman Bill was introduced in the Legislature in 1929. In the previous intervening years, Jim Stewart and I had often met and exchanged reminiscences of our old battles and had become good friends; with the introduction of the Cloudman Bill, Jim Stewart and I quit smoking the pipe of peace, put on our war paint and feathers, and proceeded to go on the war path again, for the next five years.

This Cloudman Bill proposed that the State appropriate \$300,000 for hydraulic mining dam sites, the money to be turned over to the Federal Engineers, (California Debris Commission) with the expectation the Federal Government would match the contribution; the bill was an "entering wedge" for more and larger contributions to follow in the future. After weeks of controversy and lobbying, the bill was defeated. At the next session, practically the same bill, proposing a modified appropriation was introduced, known as the Seawell Bill, which was passed but vetoed by the Governor; more details about this proposed legislation will appear in another chapter, as this chapter I am "dedicating" to Jim Stewart.

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To tell all the happenings in those two Legislatures in connection with these two bills, would be too long a story, but at each session, there were joint meetings of the Assembly and Senate at evening sessions to listen to arguments pro and con. The chamber was packed with spectators, largely from Yuba and Sutter Counties and from Nevada, Placer and other mountain counties, each side giving at times, loud approval to the speakers who represented their point of view.

At one of these joint meetings of the Legislatures, which was held one evening to consider the Seawell Bill, the chamber was again packed in this manner. Jim Stewart was a good organizer, and the delegations from the mountains all had large badges pinned on their coats, and Jim had brought down also a large brass band from Auburn to dispense music when the meeting was ready to be held; the band wasn't so "hot" on harmony, but it was certainly strong on "noise"; it "raised the roof" of the Capitol building when it played. When the meeting was opened, it was announced that each side was to be permitted to have an hour and a half of time to present their arguments. Each side had about four speakers, most of them making brief talks, Jim and myself, taking up most of the time.

The representatives of the miners were first on the program, followed by the representatives of the valley area, and when the allotted time was up, some further time was permitted pro and con. It was all very entertaining and at times highly amusing but when the meeting was over, I doubted whether any real results had been accomplished. I thought that the legislators were more confused than they had been enlightened.

Jim in his talk said that the closing down of hydraulic mining had resulted in the confiscation of over one hundred millions of mining property, to which statement, my reply was that the filling of the rivers had caused the expenditure of over one hundred and fifty millions of dollars for levees for protection and in addition, that there had been untold millions of dollars of property damage from floods, mainly as the result of debris filling of the rivers. In my talk, I dwelt on the damage done to navigation, that boats could now only navigate to Sacramento and that before the rivers were filled, the Feather River was navigable to Oroville, about 33 miles above Marysville, and I gave a detailed statement of the names of the many steamers which were navigating between San Francisco and Marysville. To this Jim replied, that those steamers which Ellis was talking about, were so small that he could have put any one of them in a wheelbarrow and cart them away, that they were not steamboats, they were just toys. I had dwelt at considerable length on the report of Colonel Thomas H. Jackson of the California Debris Commission, which report had been adverse to the proposed legislation and strongly recommended that the Federal Government make no appropriations for

the dams because of mining being a private enterprise, etc. To this Jim answered that he had read this report of Colonel Jackson several times very carefully, that he had in the past read many of my reports and listened to my talks and that he 103 “recognized Bill Ellis' logic” in the report and really believed that Bill Ellis had written Colonel Jackson's report and not the Colonel himself, but in any event, Colonel Jackson's report had been so disappointing to his superior officers, that in disgust, they had removed him in the meantime from the Commission and demoted him and had assigned him to duty to some small obscure post in the eastern states. To this I replied, that my friend Jim was badly mistaken and that Colonel Jackson's report was so very satisfactory to his superior officers and his past work in conceiving his flood control and by-pass plan in the Sacramento Valley had so favorably impressed the Chief of Engineers at Washington, D.C. that in place of having been “demoted,” he had been promoted and appointed to the very high and responsible position of President of the Mississippi River Commission, where the Government was about to spend many millions of dollars on levees, etc. This raised a laugh on both sides at Jim's expense.

Eventually the Seawell Bill was passed by the Assembly notwithstanding our efforts to defeat it and it then came up before the Senate toward the end of the session. We did a lot of lobbying among the Senators, in fact, there was so much lobbying on both sides that an order was issued to have everyone stop doing any lobbying in the Legislature chambers, with the threat of expulsion, so we had to be very careful. It was finally agreed that a vote would be taken at 9:00 p.m. of the day before the Legislature adjourned, which was to be the following day. We knew pretty well how most of the Senators stood on the bill, but there were some who refused to let us know how they were going to vote; we felt that we had a possible chance but were not sure; on the other hand, the miners felt so sure they were going to win, that the night before, they had held a “party” in one of the hotels which had been attended by numerous Senators. There were several Senators who had evidently had a “good time” and the following day they made quite frequent visits to the ice water stand, presumably to “cool their tummies,” and among them, was one Senator from San Francisco whom I had not contacted. The San Francisco delegation we understood had made a “deal” with all the Senators from the mining districts, that if the latter would support a San Francisco bill, having for its object to have the State owned water front, including the Ferry Building, turned over to the

City of San Francisco, that the San Francisco delegation would in turn reciprocate by supporting the Seawell Bill for the miners. This one San Francisco Senator I wanted to contact was, I knew, the nephew of a Marysville girl, with whom I had been very well acquainted as a young boy; she had married a member of a very large, old established business firm in San Francisco, many years before. I watched my chance and when I saw him making a trip to the ice water stand and no one else was near it, I went over and waited until he had finished his drink of water and then I took up a cup also and said to him, "Pardon me Senator, but could I ask you a question?" He replied, "Of course"; I then asked him if he would kindly let me know if Jennie Filkins, whom I had known many years ago in Marysville, was an aunt of his; he looked surprised and said, "Why yes, she is my favorite aunt; do 104 you know her?" He then got interested and asked me questions about Marysville and I told him how well I had been acquainted with his aunt's father, that he had been a very prominent attorney and Judge in early days, etc., etc. He then said, "I have noticed you about here for some time, might I ask what you are doing around the Legislature?" I then had the opportunity of telling him I was attending the Legislature because of the Seawell Bill. He said, "Are you in favor of that bill?" and I replied that "I certainly was not" and then proceeded to tell him a lot of things, which he listened to attentively, and then said, "Well I wish I had known more about these matters before, but the fact is, I have pledged myself to vote for the Seawell Bill and cannot break my promise." Just at that moment, I felt a heavy hand laid on my shoulder and turning around, was confronted by the Sergeant-at-Arms who said, "I have to expel you from the Senate Chamber because you are lobbying"; the Senator then asked, "Who says he is lobbying?" The Sergeant-at-Arms, said "Senator R— standing there by the door, says he overheard this man lobbying"; the Senator said, "It's a damned lie; Mr. Ellis was talking with me about my aunt." We all three then went over to the Senator who had made the complaint; my Senator explained that I had been talking with him about his aunt, the other Senator apologized and I was not thrown out. As we separated, my Senator, whispered to me, "Well we got away with that, didn't we?" We did not, however, get his vote, or any of the San Francisco delegation. Jim Stewart "had them in the bag." Some very interesting occurrences followed, which will be told of in another chapter; and will include some more experiences which I had with Mr. James D. Stewart.

Before doing so however, I will relate another experience with Jim. After the agitation over the defeat of both the Cloudman and Seawell Bills had quieted down I conceived the idea that there might be a possibility of assisting Jim to operate one of his mines by the dredger process. I made a date and went up and met him at Auburn and together we visited this mine, in which is left a very large deposit of gold bearing gravel; it has been shut down for years. We walked all over the property and I told him I would take the matter up with Mr. W. P. Hammon. It was about 2:00 p.m. when we finished our trip of inspection and Jim said, we would drive over to Dutch Flat and have lunch. It was a small hotel where we went and Jim was apparently well acquainted with the proprietor and asked if it would be too much trouble to give us a bite to eat and then introduced me to the man and his wife as Mr. Ellis. The old lady looked at me, I thought rather closely, then went to the kitchen; she came back several times, each time she seemed to give me a close inspection; finally she exclaimed, "Now I have you spotted; you was the man fighting Jim at the Legislature last year; I was there and heard you talk; what are you two up to anyway?" Well you could have heard Jim's *ha, ha, ha*, for a mile; I was glad I had obtained the lunch before she had "spotted" me. When we finished our lunch, we went outside and across the street, on a porch in front of an old abandoned brick store building, there was an old 105 man, with a long white beard, sitting in an old chair, with his feet cocked up against a tree. Jim said, "Come over, I want you to meet an old timer." Jim introduced me again as Mr. Ellis and said, "Dad, I guess you never saw this man before"; the old man looked at me closely for a minute and then drawled out, "Oh yes I have, a good many years ago you came through here on a black horse when you were spying on us miners." Again, Jim's *ha, ha, ha*, could have been heard a mile. On our way back to Auburn, Jim remarked, "Say Bill, if those fellows in Sutter County ever find out that you and I were traveling together in these hills, they will believe that you have "sold out to me."

As I had promised, I took the matter up with Mr. Hammon and he informed me that he had had the same idea one time and had it investigated by his engineer, who made an unfavorable report because the gravel was too deep and the width too narrow to permit of the convenient operation of a dredge.

Right here however, I want to state, that in the early days, before I had ever met Jim Stewart, we all considered him as an arch enemy of the valley's interests; after I had met him and had “crossed swords” with him on many occasions, I began to realize that he was one of the most resourceful “fighters” I had ever run up against. He had a ready wit and at the same time, a most sarcastic tongue; he was never at a loss for an answer and he had a good strong voice with which he “never pulled his punches.” Jim and I finally got pretty well acquainted and we have on several occasions had a lot of enjoyment talking over old times. I entertain a most friendly feeling for him and which I feel he reciprocates, notwithstanding that for some forty years we have entertained divergent views and both of us have, I guess, been as uncompromising as a gas meter. Jim's large and varied collection of mining specimens and other interesting relics, which he has at his home, is well worth seeing and is very valuable. The last time I looked them over, he remarked that he guessed that I had many interesting things in my office and was coming down to look them over, but I told him that most all my “specimens” were a large array of printed documents, photographs and several scrap books I had been filling for the last fifty years and that I had never been able to obtain a warehouse large enough, to have a replica of the size of the levees which had been constructed, of a reproduction of a twenty-six foot fill of debris in the bed of the Yuba River at the D Street bridge and various other “small” items, but I could, at any time, show him a “shock of gray hair” under my hat, the color of which I held him partly responsible for.

CHAPTER XLVIII

Experience with L. L. Robinson, President of the North Bloomfield Mine

GEORGE OHLEYER of Yuba City and myself, had an interesting experience with Mr. L. L. Robinson at the North Bloomfield mine on one occasion. Mr. Ohleyer was 106 for many years the President of the Anti-Debris Association, was a large rancher, a man of fine reputation and highly thought of in the two counties; he was the soul of honor and put in a great deal of his time on the efforts to protect the valley areas. Mr. Robinson was the President of the Hydraulic Miners' Association, was the President of the North Bloomfield Mining Company, one of the largest in the mountains; the mine operations had excavated an immense amount of material, the excavated

banks being six hundred feet in height, the monitors having 11 inch nozzles, with a water pressure of about 200 feet, which gave tremendous power for washing.

At one time, to have an easy way to get rid of the mine tailings, a noted engineer by the name of Hamilton Smith, had planned and put into execution, a tunnel leading through the mountain to the floor of the mine, which was considered quite an engineering feat at the time. Suits which the Anti-Debris Association has brought, resulted in an effort on the part of the North Bloomfield Mine, to build a restraining earth dam across the floor of their mine with the idea that it would make a settling basin and restrain the debris. Our watchmen, however, ascertained that the long, large flume, which was constructed to carry the debris behind this dam, had a secret box opening, which was used, (when no “enemies” were about) to permit this debris to escape through the tunnel, thence to the river. Our watchman had made a sketch of the mine, showing where this secret box opening was located, where the tunnel was and its outlet. Mr. Ohleyer then wrote to Mr. Robinson, stating that he would like to be permitted to come up to the mine and see how the mine was restraining its debris and Mr. Robinson “fell for the bait” and invited Mr. Ohleyer to come up on a certain day; Mr. Ohleyer accepted the invitation and told Mr. Robinson that it would be impossible for him to be up early in the morning but would meet him at the mine headquarters at noon time. In place of doing this, Mr. Ohleyer and myself started very early in the morning; we first went to the mouth of the tunnel and as they had no idea we would go up early, they were taking full advantage of the opportunity afforded of discharging the debris through the tunnel until we arrived. We found a full head of water discharging through the tunnel, heavily charged with debris from the mine; the force of the water was very great as when we picked up several large rocks, weighing about thirty pounds and threw them against the water, they would be tossed away like pebbles. We then continued to the mine headquarters, reaching there at noon and Mr. Robinson of course was under the impression that we had come direct from Marysville. Mr. Robinson was a very genial host; he was a large fine looking man, very entertaining and had a wonderful chicken dinner prepared for us, with champagne to assist in digestion; also some fine “two bit” cigars; the two latter I enjoyed but Mr. Ohleyer, as I remember it, never indulged in either at any time. We talked about almost everything except mining and when the luncheon was over, Mr. Robinson then invited us to visit

the mine and said he was going to show us how well he had arranged to hold back all the debris. He first showed us several large monitors at work, then he took us over to where the 107 dam was and showed us the large settling pool; to do this, we walked on top of the large flume which was conveying the debris laden water. Mr. Ohleyer then started down the flume which extended beyond the dam but Mr. Robinson held back, saying that there was “nothing to be seen down there”; Mr. Ohleyer, however, continued on his way, I following, Mr. Robinson very reluctantly bringing up the rear. Finally we came to the place where the secret escape way box was located and we then told Mr. Robinson that that was what we had really come up to discover; we also told him of our early morning trip to the mouth of the tunnel and what we had discovered there. Mr. Robinson immediately ceased being the genial host; he was about the most disgusted, crestfallen and at the same time the maddest man I have ever seen. Mr. Ohleyer told him that action would be taken, which it was; we had had a very successful trip, we had enjoyed a fine luncheon and I had enjoyed some fine cigars and champagne. Mr. Ohleyer and I were very content and satisfied on our return trip home.

CHAPTER XLIX

My Warning to Professor G. K. Gilbert

AFTER the decision of Judge Sawyer on hydraulic mining in 1884, the Miners' Association advocated and was successful, through the efforts of Congressman Caminetti of Amador County, in having a bill introduced in Congress, placing all hydraulic mining in California under the charge and supervision of three U.S. Engineers, called the California Debris Commission, this Commission having the power to grant permits for such mining, when a showing was made that no debris would be permitted to escape, which might have detrimental effects on the rivers. This law adopted by the Congress was generally known and referred to as the Caminetti Act. After a few years, the miners became dissatisfied with this legislation which they had sponsored, because of the restrictions and regulations placed on mining by this Commission and finally, in 1904, at the urgent request of the Miners' Association, President Theodore Roosevelt sent out Professor Grove Karl Gilbert, of the United States Geological Survey, to make a thorough investigation of the whole question and

to ascertain, if possible, some way in which the hydraulic mining industry could be rehabilitated. Professor Gilbert spent several years in investigations and research and finally issued a report of his findings, consisting of a large book of 149 pages; I have referred to same elsewhere in another chapter.

When Professor Gilbert first arrived, he made his first investigations in the bay area, then in the delta area, finally he came to Marysville and called on me and for several weeks, I put in most of my time showing him all over the Feather, Yuba and Bear river areas in the Valley, the levee systems and all the data I had on hand in connection with levee expenditures, filling of the rivers, etc., etc. He was exceedingly thorough in his 108 investigations. After he had completed his investigations here, he told me he was then going to visit the mountain area and planned to drive about the mountain area for a few days and then make an engagement to meet with the Miners' Association Committee at Nevada City. The Professor looked anything but a professor; he was a tall spare man, about fifty years of age, wore an old slouch hat, an old well worn corduroy suit, and sported a long heavy beard and drove about in an old horse and buggy. Thinking that he might be taken as a disguised "spy" from the valley, I cautioned him about keeping on the roads and if he should see any hydraulic mines in the distance, not to let his curiosity get the better of him and proceed to "look them over" unless he was accompanied by some of the mining officials, explaining that if he did not, he might be taken for a "spy" and be shot at. He was vastly amused at my advice and said, "Now Mr. Ellis, I have spent considerable time with you, you have shown me many interesting things and given me a lot of documentary information which I firmly believe to be absolutely correct, but do not try and make me believe that if I went too close to some mine, that I would be in any danger of being molested." A few months afterwards, the Professor made a short visit to Marysville and called on me, I believe really to confide with me his experience. He told me, that on his trip in the hills, his curiosity had been aroused at one mine he saw a few miles off the road. He had hitched his horse and walked towards the mine when he suddenly was confronted by a man with a rifle; the man demanded to know what he was doing there and he said that he was making an investigation of the mining section and told him who he was but that the man was obdurate and told him to "make tracks and get out of there pronto or there would be trouble," so he

retraced his steps. He also told me that no doubt, the man had told the story to his employer who probably relayed the story to the Miners' Committee, as the Professor, when he met with them, said they acted considerably embarrassed, no doubt because, the representative of President Roosevelt, who had been sent out at the request of the Miners' Association, had been challenged by a mine watchman armed with a rifle. I could see that it made a great impression on the Professor and he apologized to me for having laughed at me when I had cautioned him to keep on the roads and not leave them.

CHAPTER L

Ellis Lake

BEFORE the white man arrived in California, many of the rivers of the State had natural “by-passes” or “spillways,” through which excess waters escaped when the rivers were in full flood and their natural channels were unable to accommodate the discharge. The Feather River had one of these natural spillways at Hamilton Bend, the escape waters running westerly north of the Buttes, thence into Butte Slough. Another natural spillway was what is now known as Yuba City Slough, its entrance 109 being on the northerly end of Yuba City, this slough running through Sutter County in a southwesterly direction and discharging in the basin area now known as District No. 1500. Still another spillway of the Feather River was on the opposite or east side of the river, where Simmerly Slough discharged into the Feather River and when the Feather was in extreme flood, the Feather would reverse the current in the lower end of Simmerly Slough and flow southerly through a natural channel which ran through what is now the City of Marysville, discharging these waters into the Yuba River at the lower end of what is now F Street.

Both the north and south ends of this slough were closed off with small levees after the flood of 1857 but without much success until in 1875, when the present levee system construction was commenced. This new levee system effectually closed off this spillway of the Feather River, and formed, what was termed for many years “the Slough,” in the City.

Back of my father's home at 8th and D Street, the lake was very wide in the winter time but in the summer it drained almost dry north to 14th Street and when I became old enough, my father bought me the first hammerless shot gun ever seen in Marysville, for which he paid \$200. I used to walk up the lake bottom as far as 14th Street and shoot ducks and snipe which were always plentiful. Later on, as the rivers filled with debris and the lake could not drain dry, I was the proud possessor of the only round bottom boat with a large sail which I managed to capsize occasionally when a stiff north wind was blowing. I took a lot of pleasure in that lake, boating, swimming and fishing and as I grew older, the idea came to me that some time it could be made a beautiful park and when I commenced to earn money, when opportunities offered, I bought up these "slough lots" at moderate prices, the taxes amounting to but little. I kept acquiring lots in this way, until I owned the greater portion of the water area and conceived the idea of obtaining some of the shore properties. It was then that I arranged to incorporate the "Ellis Lake Improvement Company"; this was in 1906, the officials were W. T. Ellis, Jr., President and C. F. Aaron, Secretary.

What properties I had been accumulating for a number of years past, and which were major lake portions, I turned over to the Company and took stock for. We then sold some non-assessable stock to various parties, W. P. Hammon and John Martin each investing \$500 and with these additional monies, more properties were purchased. The new corporation had in all about two meetings of its Board of Directors and none afterward; in the meantime I continued to advance necessary monies for taxes, etc.

On December 7, 1914, I made an agreement with the Mayor and Council, that if they would fill in D Street, carry out a sewer to the north side of 14th Street, to keep sewage out of the lake, and make improvements on the lake area, that the Ellis Lake Improvement Company would deed all its properties, consisting of about twenty-five acres to the City for the sum of \$1.00. The City accepted the offer and about two years afterward, when improvements were completed, the deed to all the properties was turned over to the City and on March 6, 1916, the Council gave me a warrant on the City Treasury for the One Dollar, which I never cashed but have kept in my possession as a memento.

When we deeded this property over to the City, we reserved out the large area, 200 feet x 160 feet on the northeast corner of D and 13th Streets. Six years later, I waited on the Council and told them that this property really should belong to the lake area and that for some sixteen years I had been paying all the taxes and other expenses of the Ellis Lake Improvement Company and that this had amounted to \$1016.77 and suggested that if they were interested in this property, I would sell it to them for the sum of \$1000, provided they accepted the same on the basis of the original transfer of the larger area, which was that it was to be used solely for park purposes by the City. As the price I offered for this new property to the City was much less than its actual value, (the City's valuation on same being \$3,550) the offer was accepted and in June 1922 the property was turned over to the City. This last tract was never improved, but all the balance of the lake property has been highly improved and the Natatorium was built on land which was included in the first One Dollar sale.

In 1926 the Elks Home Lodge Building on D Street between 1st and 2nd Streets was destroyed by fire and the Lodge cast about for a new location. They finally decided they would like to build a new home on D Street, fronting the lake, and selected their present site. This was part of the property which had been deeded to the City by the Ellis Lake Improvement Company, and I raised objection to the City giving this property away as the consideration was to be only \$10, also, that I had a provision in the deed that it must be used only for "park purposes." They then had the title looked up and claimed that my original title to the property was defective, notwithstanding that I had owned and had had possession of the property for a good many years and had always paid taxes on same. Many of my brother Elks finally persuaded me not to make any objections; a suit to quiet title was commenced and as President of the old Ellis Lake Improvement Company I was made a defendant; when the suit came up I intentionally failed to appear and so permitted the City to acquire clear title; the City then deeded the property to the Elks Home Association for \$10.00 in 1928 and the present very fine Elks Home building was erected.

In connection with Ellis Lake, I am reminded of an amusing incident which occurred when Patrick C. Slattery was Mayor in 1888. In those days there were some two or three boats on the lake, which were in good demand, particularly on moonlight nights, when young men would take their girls out

for a boat ride. Some one conceived the idea that it would be nice to have some gondolas on the lake, (like they have in Venice); a delegation appeared before Mayor Slattery and his councilmen one evening and made the suggestions that the “City dads” cooperate and arrange to have a half dozen gondolas on the lake to make it more attractive. Now “Mayor Pat” (as he was often called), did not know and was not informed what a “gondola” was; he thought it was some kind of a swan or other species of bird and asked what these gondolas would cost and when informed that they might cost about \$200 each, he exclaimed, “Holy Mother of Moses, and you want half a dozen, why not buy only two, a male and a female and raise the balance for nothing.” Mayor Pat was a great character, he was a pudgy, very red faced native of Ireland and full of good old Irish wit. When he was Mayor, it was proposed that the City should purchase a very fine hook and ladder truck, which would also carry fire hose and take the place of the antiquated hand drawn hose reel on two wheels. Prices were obtained and an agent appeared before the Council one evening to close the order (the truck to be shipped from the factory in the East), and asked, what color the Mayor and Council wanted it painted. Now this led to considerable discussion, several colors being suggested and finally Councilman Putnam said, “By God, I move it be painted red”; then Councilman Heyl said, “I second the motion by Christ”; Mayor Pat then said, “It's moved by God and seconded by Christ” and be Jasus we'll paint her red.” It was then moved and seconded and unanimously agreed that the truck should have painted on each side, the “P. C. Slattery No. 1.”

WHY ELLIS LAKE WILL PROBABLY NEVER BE FILLED

At various times, I have heard suggestions made that the lake should eventually be filled thereby making a land park in place of a lake park. Those persons making these suggestions do not realize the cost, as the following will show:

1. The water in the lake is an average of about five feet deep and to fill, just to the average water surface and only between 9th and 14th Streets, would require approximately 182,756 cubic yards of material.

2. There is no material close at hand, the only available material being about three-quarters of a mile distant on the water side of the levee in the vicinity of the Simpson Lane bridge. Assuming that this material could be secured and hauled by trucks, it probably would cost not less than 50c per cubic yard, in which case, the filling would cost approximately \$91,378. Now remember that this would be only to the present average water surface; if the fill should be made level with B Street, the cost would be about double the above sum. I do not believe that the City would ever bond itself for, say \$182,756, for such a purpose.

3. Again, assuming that the lake was so filled, then the City would be put to the added cost of a vastly larger pumping plant to care for the rain water which falls within the City limits and at times requires pumping when the rivers happen to be higher than the lake surface.

4. Such a larger capacity pumping plant would be necessary as the following will demonstrate.

The area of the City inside the seven miles of levee is 1418 acres.

When an inch of rain falls, it is equivalent to 110 tons of water to an acre.

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An inch of rainfall is equivalent to 32,079,414 gallons of water on the 1418 acres in the City limits and all of this reaches the lake by means of sewers and open drains.

Some winter seasons we have as much as 20 inches of rainfall, so in such a case, during such a winter season, there reaches the lake the enormous amount of 641 millions of gallons of water. The present storage capacity of the lake is such, that it acts as a regulating reservoir, this water accumulating and at the same time escaping through the pipe under the levee at E and 15th Streets into Feather River, when that river happens to be low; but when high enough to shut off this drainage, the lake accommodates the various storm waters without the necessity of pumping, but quite frequently pumping must be resorted to, but much more frequently, was the storage capacity

of the lake largely reduced. The cost of a larger pumping plant to care for such a situation would be another very heavy expense for installation and added cost for electric power.

I do not anticipate the lake will ever be filled.

FRESH WATER SUMMER SUPPLY FOR ELLIS LAKE

About thirty years ago there was a public demand for fresh water for Ellis Lake, which at that time had not been improved, as at present. As a result of this agitation, I superintended the construction of a pipe through the levee at 12th and Covillaud Streets, so as to obtain a gravity water supply from the Yuba River. The levee was cut for a depth of twenty-two feet and through the levee base itself, a concrete tunnel pipe was constructed, with a brick "chimney" on each end in which were steel shut-off gates for safety. All this concrete tunnel pipe was constructed in place with walls about six inches thick, the walls being reinforced with 1150 feet of small railroad track iron. It was a first class job, I looked out for that as the cutting of a levee is always a hazard if the earth is not replaced properly by being moistened and properly tamped, while filling proceeds. From the south end of the concrete tunnel, a large square redwood box was laid underground, reaching to the river bank and below (at that time), the summer level of the river. The cost of cutting the levee, tunnel and two brick chimneys was \$2491.31 while the redwood box, leading to the river underground was \$1717.07 making the total cost \$4,198.38. The north (or discharge end) connected with an open ditch at the base of the levee to the east end of 10th Street and from there, following the south side of 10th Street to the lake, a large concrete pipe is laid underground, conducting the water to the lake.

This worked very satisfactorily for several years, until the river gradually scoured and the intake of the pipe became several feet above the summer river level, which stopped its operation. I have several large photographs, taken during the construction of this piece of work.

There is no good reason why the pipe could not now be used for a water supply for 113 the lake. The summer river channel is still there and water is always ample; the cost of a pump and motor to

lift the water into the pipe would cost about \$1100 and the cost for electricity for operation would cost possibly \$180 for a three months' operation.

The average water capacity of that portion of the lake between 9th and 14th Street is approximately 36,912,410 gallons. If a pumping plant with a capacity of only 2500 gallons of water per minute was installed, this would be sufficient to change all the water between 9th and 14th Streets about every fifteen days. I have on several occasions brought this to the attention of the City authorities, but so far without results.

CHAPTER LI

A Big Fire Loss

IN OUR STORE business we experienced one small fire loss at one time amounting to about \$500, but our most serious fire damage was in the property known as the Ellis Block, on June 18, 1925. We got no financial settlement until seven months later, on January 18, 1926 and always considered that we were defrauded out of \$14,000 when a settlement was finally made; our indirect loss was even greater.

The fire started in the center of the Block in the very large store occupied by the S. D. Johnson Furniture Company; the original founder, S. D. Johnson had died some time before and the business was being conducted by his oldest son. Every circumstance indicated that the fire was incendiary but could not be proven.

Immediately after the fire, and at the direction of the adjusters, we employed a local contractor, Mr. I. C. Evans, to make an estimate of the cost of replacement of the buildings as they were before the fire and he submitted later on a detailed estimate showing a loss of \$82,547.06 which included a deduction for depreciation. Seven different companies held the insurance and they were represented by two adjusters, A. M. Peckham and Charles A. Stuart of San Francisco. Mr. Evans and I met with them; Mr. Evans presented his large sheaf of estimates, on the first page of which was a recapitulation of various items showing a total of \$82,547.06. Mr. Peckham picked up the package

of papers, glanced at the total sum shown and throwing them back on the desk, remarked "All that glitters is not gold." That was one occasion when I was "real mad." I was tempted to slap his face and tell him that negotiations were off, but on second thought, decided it was best to "keep cool"; I then asked Mr. Evans to go over his figures with the two adjusters himself and what he agreed to, would be satisfactory to me. They spent several days going over the estimates, agreeing on no items but making memorandums, finally they told us what sum they would allow and remarked "and that is final." Mr. Evans requested to know how they had arrived at their offer; they refused details; they then demanded arbitration which we agreed to. I nominated Mr. Evans and they immediately declined to permit him to be an arbitrator; after 114 some time had elapsed they finally accepted him and they then nominated W. W. Coburn of San Francisco. Mr. Evans and Mr. Coburn tried for some time to agree on the third arbitration member but could never agree, Mr. Coburn insisting upon some San Francisco engineer as the third member. This all took considerable time and as in the meantime we had commenced reconstruction on the Second Street fire damage, we wanted some money, so we suggested that they make us a part payment, without prejudice to either side; this was refused. Again Mr. Evans endeavored for three months to get Mr. Coburn to agree with him on a third arbitrator, but obtained no satisfaction. We then made an offer to compromise and this was refused. I then went to San Francisco and called on some of the companies which had the larger share of the loss to talk the matter over; they declined, saying it was out of their hands and the adjusters were in full charge of the matter. I then told the adjusters that apparently my only recourse was to commence suit for our loss to which they replied, that if I did so, and if the award of the Superior Court was not satisfactory to them, they would appeal the case to the Supreme Court, where no doubt it would take about two years to get a decision. They knew that the repairs I had already made represented a large sum, they were satisfied that I did not have the ready money to pay the contractor, Mr. Evans, who owed for materials used and had himself been advancing the money for the labor; that these sums must be met soon and they were satisfied that I did not have the funds to meet these obligations and that I could not wait for a suit with a possibility of further time because of an appeal to the Supreme Court. They "had me in a jam" and I was compelled to capitulate.

When settlement was made, I told one of the adjusters that I intended to give the matter publicity; that I did not propose to take such treatment and be expected to “keep quiet and like it”; that I proposed to give him and the companies he represented some unpleasant notoriety. He laughed at me.

The year previous to the fire, I had opened up a Real Estate & Insurance business and the companies I represented were “Board” companies. I immediately cancelled all these agencies and took new agencies in “Non-Board” companies and proceeded to switch all our business to these new companies. On the front of one of the brick buildings in the center which had been burned and not repaired, I had erected a large canvas sign, about fifteen feet square and on same was writened in large letters:

LEST WE FORGET

These ruins were insured in the following Board Companies:

Scottish Union & National Insurance Co.

United States Merchants & Shippers.

Insurance Company of North America.

North British & Mercantile Co.

Alliance Insurance Co.

LARGE CLOTH SIGN, PLACED ON THE WALL OF THE PARTIALLY DESTROYED “ELLIS BLOCK” AFTER THE FIRE ON JUNE 18TH, 1925

LARGEST GOLD DREDGER IN THE WORLD OPERATED BY YUBA CONSOLIDATED GOLD FIELDS COMPANY AT HAMMONTON, TEN MILES EAST OF MARYSVILLE COST ABOUT \$750,000 AND DIGS 140 FEET DEEP FROM THE SURFACE OF THE GROUND

Old Colony Insurance Co.

Agricultural Insurance Co.

“ALL THAT GLITTERS IS NOT GOLD.”

The “All that glitters is not gold” was in bright red letters and it was the remark which had been made to me the first day I had presented Mr. Peckham with Mr. Evans' estimate of damage. This sign attracted great attention.

I followed this up with a series of advertisements in the local newspaper, the first advertisement being a full page, giving in detail all the controversies and difficulties I had had with the adjustment of the loss. Each day the advertisements were different; they were commented on by other newspapers in the Valley. I commenced to get letters from various parts of the State asking for information as to what it was all about; I received so many letters of inquiry that I had to have a mimeographed letter of explanation run off so I could give an answer and save time in replying.

The local Association of Insurance Agents, representing Board Companies were “peevied”; one of their members wrote to the State Fire Insurance Commissioner complaining about my advertisements and requesting that he force me to stop such advertising or have my license revoked. The State Fire Insurance Commissioner under date of February 26, 1926 wrote me to the effect that my advertisements “were not ethical” and to cease such advertising. I replied stating that I had to admit that my advertisements were hardly “ethical” but claimed that the treatment which had been given me by these insurance companies “was not ethical either” and that I had laid out a plan for some advertising and intended to carry out the plan. I received another letter of warning but finished my advertising plan and that was the last I heard from the Commissioner's office.

These advertisements caused widespread public interest. I did not realize that it was going to enable me to “capitalize on my fire loss,” but that was the result, as for the next twelve months or more, without any solicitation on my part, I averaged an insurance application each day, various persons

calling at my office and giving me their business, and our business in this line has been steadily growing ever since.

CHAPTER LII

Trustee for Bondsmen

ON November 6, 1888 George W. Pine was elected Treasurer of Yuba County by a majority of two votes over George Holland, who had been Treasurer for several years previous. In those days, only personal bonds were given by county officials and not security by bonding companies, as at present. Now here is some hidden history which was never publicly disclosed.

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It appears that when Mr. Holland was defeated, he was short in his accounts about \$5000.00 so when the time came for Mr. Pine to take over the office, Holland withdrew another \$5000.00 and when the transfer of the office was made, and the cash was counted, the shortage was discovered and acknowledged by Holland; his bondsmen were notified, a meeting was arranged with Pine and Holland. Holland made the proposal, that if Pine would retain him as Pine's deputy, that he would return the \$5000.00 he had last withdrawn and would, out of his salary, pay back each month a certain sum and so eventually make up his first shortage; the arrangement was known only to Pine, Holland and Holland's bondsmen and Pine took his office with a shortage of about \$5000. It was a fool arrangement for Pine to accept but no doubt he was influenced by some, or perhaps all of Holland's bondsmen, who were also friends of Pine; so Pine took office with this \$5000.00 shortage and trusted to Holland to "make it good" by appointing Holland as his deputy. Holland, however, did not continue as deputy very long; he and Pine could not agree, so Pine appointed a Mr. Jenkins as deputy and was still "holding the bag" for Holland's shortage. From time to time, Pine would "go on a spree" for several days, presumably when the matter preyed on his mind, but he was a very popular official and in those days, just an occasional "spree" was not particularly looked upon with disfavor.

Eventually, Pine himself presumably commenced to do some “defaulting” and in 1912 when an expert was examining the County's affairs, the shortage was discovered and it was disclosed that Pine had been able all the time to hide his shortage through the fact that he had deposit certificates from a local bank. In those days, partial withdrawals would be endorsed on the back of these certificates and when the cash was counted each month, Pine would do the counting and fail to show the backs of these certificates which had withdrawals, but this, the expert discovered.

Representing Pine's bondsmen (of which my father was one), I took charge of the office that day and I never saw a man so relieved as was Pine by the discovery; he was exceedingly cheerful, humming and whistling and joking, in fact he was glad the matter was “off his mind” and so told me and said he was ready to “take his medicine.” The matter of Holland's shortage was disclosed and to determine on what set of bondsmen the liability lay, a suit was commenced and the court held that Pine's bondsmen were given the responsibility of making up the shortage, which amounted to \$11,587 and this sum was paid into the County Treasury.

Pine's attorney, W. H. Carlin insisted that Pine stand trial, feeling that he could possibly save Pine a conviction because of Holland's previous shortage, but Pine refused and pleaded guilty and went to State's Prison for a number of years.

The following article appeared twelve years later in the local newspaper:

“Bill Ellis is playing Santa Claus this week to some of our prominent citizens. Some twelve years ago, a certain Yuba County official got his financial accounts considerably mixed and as a result, his bondsmen, fourteen in number, found it necessary to pay 117 into the County Treasury the sum of \$11,587.26 to square his accounts. Through the efforts of W. H. Carlin, a tract of foothill land near Placerville was secured from the said County official and was transferred to W. T. Ellis as trustee for the bondsmen as security in part for the money the bondsmen had advanced. Ellis has been running this ranch at long range for the last twelve years, making it more than supporting and all the time trying to make a sale of it, in which he has been unsuccessful until just last month, when he at last effected a sale. As a result, the aforesaid fourteen citizens are now getting checks for about

a 55 per cent dividend on their original investment, which however looks to many of them like 100 percent, or just like “finding it,” as it had been so long since they had to “put up,” that most of them had about forgotten about their “investment.”

CHAPTER LIII

President District Agricultural Fair

I WAS always interested in horses, as was my older sister, and when we were quite young, we both had riding ponies. When we got older, we both had fine saddle animals. We were always competing in racing, jumping fences and ditches and it was an accident when her horse stumbled and fell on her, which eventually contributed to her death in 1883; she was five years older than myself.

It was about 1888 that I took a great fancy to a saddle horse which I used to hire from the old Fashion stables in San Francisco and every time I went to the City, would secure this animal and take rides in Golden Gate Park; it was “quite the thing” to do in those days. I purchased this animal for \$500.00 the following year and was quite envied by other horse fanciers in town. This animal was a very beautiful chestnut mare, broken, not only for a saddle horse, but a buggy horse as well. When hitched to a buggy she invariably was a trotter, but when under saddle was always a “single footer”; when under saddle, she would invariably arch her neck and want to prance slightly sideways; she always showed “class.”

James Littlejohn of Sutter County, one of the Board of Directors of the District Fair Association, resigned and on May 9th, 1889, I was appointed a Director to fill the vacancy by Governor Waterman and at once became President of the Association and served until December 1, 1892. I presume it was because of my interest in horses that I was recommended by the other Directors for appointment. For agricultural exhibits, etc., we had a very large pavilion situated on the north side of Third Street, between A and Chestnut streets; our race track was situated where the present Junior College buildings are now located. In earlier days the race track was located about two miles north of Marysville on the ranch afterwards owned by L. B. Hickerson, now owned by Manuel

Gomes. One of the old race horse stables still exists there, with its fancy wooden “flutings” on the edges of the roof.

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There was great interest in these fairs those days and towns such as Woodland, Colusa, Chico, Red Bluff and Marysville were in a circuit and some of the best racing horses in the State used to attend this circuit and finally go to Sacramento for the State Fair racing. At the Pavilion, every one who entered an exhibit got some cash prize and I well remember that many women were interested in bed quilts which they made of scraps of cloth in intricate designs and as these quilts were not needed in the summer time, invariably they would be entered for prizes, year after year. I presume they paid for themselves many times over with the annual cash prizes they were always awarded and to keep out of trouble with the women owners, those who had quilts to exhibit were each given the same amount of cash prize.

As for the races, they were always well attended and betting on the races was rampant as was also gambling in town. It was always a lively week in Marysville, the country people coming almost every day and the racing stables attracting the sporting element in large numbers, who “took in” the racing circuit which always ended at the Sacramento State Fair, where many of us would go and have a lively time, all “dolled up,” with brown plug hats, dark blue cutaway coats, fancy vests and pale gray striped trousers.

CHAPTER LIV

A. C. Bingham

ATKINS Clark Bingham arrived in Marysville in 1866; he was a native of Norwich, Connecticut, where as a young man he was employed in the Norwich Savings Bank, obtaining a good training to fit him for his new field in the banking business in Marysville.

He first came to Marysville to visit his uncle, E. E. Hutchinson, who then owned the famous New England Orchard. This is still a famous orchard, now being owned by the Earl Fruit Co., situated in the bottom lands of District No. 784, about five miles south of Marysville.

Bingham worked for a while as accountant for the Union Lumber Co., and later on was employed by the banking house of Rideout & Smith. Later still, he became associated with the Decker-Jewett Bank with which institution he was connected until his death in 1917, at the age of 70 years.

He became a full partner of the old private firm of Decker & Jewett in 1869 and, in 1888, when the partnership was dissolved and the bank became a corporation under the name of Decker-Jewett Bank, Bingham became cashier and manager. At his death, Bingham also was president of the Marysville Water Company.

For two terms he was president of the Marysville Levee Commission (1888 to 1896); he was also Mayor of Marysville for two terms (1882 to 1886) and refused a

A. C. BINGHAM, 1847-1917

THE AUTHOR WHEN APPOINTED TO STATE RECLAMATION BOARD IN 1912

119 third term, which he could have had by acclamation, for as a Mayor, Levee Commissioner, Banker, etc., he had demonstrated marked ability, which combined with natural affability and sociability had endeared him to every one. He was a true sportsman and gentleman; he was my closest confidant and was always an inspiration to me; I looked upon him almost as a second father. In 1902, he became my brother-in-law when he married my sister.

As a banker he was very conservative and I remember that in 1907 when a moratorium was declared by the Governor for all banks in the State because of a financial depression, the Decker-Jewett Bank was, I understood, the only bank in the State that did not close its doors and take advantage of that moratorium but continued open and granting necessary accommodations to its customers. This was possible through the co-operation of Mr. Decker and Mr. Jewett, who having other independent resources in stocks, bonds, etc., cashed in on them promptly and deposited these

moneys in the bank and, as Bingham expressed it to me one day in the bank, “We have enough ready cash in the vault to pay every depositor in full, should they call and demand their money.”

In July of the early '70's, an event occurred in Bingham's life which was long remembered. At that time the Decker-Jewett Bank was located in the rear of my father's store, at the southeast corner of High and First Streets; two men attempted to rob the bank, believing at the noon hour that no one was in the bank except Mr. Jewett. One of the men stood outside as a lookout, the other one entering the bank and demanding of Mr. Jewett that he turn money over to him; upon Jewett's refusal, the robber struck Jewett over the head with a large old fashioned Colt's revolver which felled Jewett. Bingham, who happened to be late going to lunch, was in the rear office and, hearing the commotion, rushed out with a sawed-off shotgun loaded with buckshot and shot and killed the robber on the spot. The other robber was later apprehended and served a term in State's prison. After that, invariably Bingham always was armed with a revolver.

When I became Mayor and “started things” in the way of public improvements, he called me to his office one day and said, “Young man, you are going pretty fast but I believe that your policies are sound and that the time is really ripe for public improvements, so I am going to back you,” and he did. That was of great assistance to me for the next four years, when I initiated one improvement after another and with the united backing of the members of the City Council, “put over” everything we planned; it wasn't easy at times, as there was much division of public sentiment at times and in those days everyone had an opinion and was not backward about expressing his sentiments and, as for the two newspapers, they generally had different opinions and sometimes one would be for us and the other against, while on other occasions, they would reverse their positions.

When Bingham was a Levee Commissioner, he was a very active one, putting in a 120 great deal of time studying river and levee conditions, and I was trained under him, as he often said, “You are to be a Levee Commissioner some day.”

Every spring, Bingham and I would take a trip down the Yuba River from Daguerre Point to Marysville, observing what changes had been made by the preceding winter's floods. We had a

canvas boat for that purpose which we would take to Daguerre Point to launch, and as at that time, the river had several branches from there on down stream, we would debate for some time, which channel to take. After making a decision, and well started on our way, we wish we had taken some other channel as sand bars were frequently encountered and we would have to wade and pull the boat behind us and, as the water was very muddy, we could not discover deep stretches until we had often times stepped into holes, sometimes over our heads.

During the old hydraulic mining fight, Bingham took a lively interest and again I trained under him in that line of endeavor. In each Legislature, the subject was a leading one, each side trying for favorable legislation. In those days the Southern Pacific Railroad Company was “California's Boss,” and in many instances, opposing candidates for members of the Legislature each received financial aid for their campaigns, so no matter which one won in such cases, the successful one was under obligations to the railroad company, which always had to combat “cinch bills,” introduced by some Legislators in an effort to “shake down” the railroad company for some “easy money.” The railroad company in those days had a personal representative at each legislative session to look out for their interests; he was a blind man by the name of Christopher Buckley, better known as “Boss Buckley.” He was a fine looking, large man, a San Francisco old time politician and ruled politics in San Francisco. He was crafty and keen witted and “knew his politics” and when the Legislature was in session, would sit in a chair by the lobby rail, listening in on what was occurring and with many lieutenants, kept in touch with the Legislators in both houses.

He was employed by the railroad company to look out for its interests; as to other legislation, he could do as he pleased—which he did. For example, there was some anti-hydraulic mining legislation coming up, the fight was “hot” on both sides, Boss Buckley was “influenced” by the miners; he took their program and, through his influence, when a vote was taken, the valley interests lost. Bingham was there at the time, he knew just what had “happened”; he took the first train back to Marysville, raised \$10,000.00 and returned the next day. He had an “interview” with Buckley. The matter was again brought up, and there was a “reconsideration” before the Assembly

(we had previously won out in the Senate, as I remember it). Another vote was taken and our side won; and “were the miners mad!” The Act became a law, and Bingham was the town's idol.

As I remember it, this legislation was in connection with the serving of injunctions against mining which was doing damage. For many years, an injunction had to be served on the owner of the mine, who usually “disappeared” and could not be found; 121 sometimes they would take trips to Europe. This legislation permitted an injunction to be served on the mine property itself and not the owner; it was one of the big contributing factors thereafter in stopping illegal mining.

CHAPTER LV

First Campaign for Mayor and Defeat

SHORTLY after retiring from office as a County Supervisor, I announced that I proposed to be a candidate for the office of Mayor. Those were the days of the old convention system and every two years, the Republicans and Democrats would hold conventions and the delegates select their candidates for the several offices to be filled. Some of the leading Democratic politicians, believing that my record as a Supervisor might make me an available candidate on their ticket and because my father, being a Democrat, they assumed that I was also, although as a Supervisor, I had been elected as an independent candidate, they waited upon me and offered me the nomination. I told them I would want to know who would be on the ticket for four Councilmen and they told me who were “slated” for those positions; I told them that the names were not satisfactory and that I would accept the nomination, provided the parties selected to run for Councilmen were satisfactory to me. This they refused to do, so I told them then, that I would arrange for an independent convention and we would then have three tickets in the field, Republican, Democrat and Progressive American ticket. They told me that if I did, they would see that my ticket was defeated; a good hot fight was in prospect.

My friends then called for a meeting at the City Hall on February 22, 1890 which was held and a full ticket put in the field. I was nominated for Mayor and J. O. Rusby, John C. White, I. W. Bradley and Peter Engel, nominated for Councilmen.

Soon afterwards, the Republicans and the Democrats arranged to have conventions, separately, but on the same day. These two Conventions were both held in separate places in the morning, but at noon time, mutual arrangements were made for a joint or fusion convention in the afternoon as the principal politicians of these two conventions had made up their mind that I was a “young up-start” who needed a “dressing down” and my ticket must be defeated.

This fusion convention in the afternoon then nominated for Mayor, John C. Hoffstetter, and for Councilmen, H. M. Harris, N. V. Nelson, D. Condon and John Pepper.

Both sides made an intensive campaign for votes and I had one amusing experience. There was a lady in town who always tried to take a great interest in matters of both private and public concern. She was quite a “reformer” and quite a “puritan” and rather prone to gossip and criticize the actions of others. She was very strict, severe, 122 and inclined to be domineering and believed herself to be a leader of the members of her clique and in addition was a great prohibitionist and opposed to smoking by men. She was as straight as a ramrod and one of the type who would always button her gloves in privacy on the modest theory that a lady should never appear in public until fully dressed, even to having her gloves buttoned. Well she called on me one day and stated that she was rather inclined to vote for me for Mayor, even though I was very young for that position but would be willing to overlook that fact, if she could be satisfied about something else; when I asked her what this “something else” was which she had in mind, she said she was not quite sure that my morals were exactly what they should be. Feeling that she was rather impertinent, I asked her, “Do you believe that I am an immoral young man?” to which she replied, “That is the question in my mind.” “Well Madam,” I replied, “if that is what is troubling you, let me assure you that I am absolutely not immoral (she looked very pleased), I am not immoral for the reason that I am absolutely unmoral, I haven't any morals, so having no morals, it is impossible for me to be immoral.” Well I thought she would faint, but she didn't, she turned on her heels, turned her ramrod

back to me and walked off. I knew I had lost a vote, possibly several of them, but I felt that this rather impertinent lady “had it coming to her,” and she got it. She never spoke to me again.

When the votes were counted, I was defeated by 63 votes, Rusby by 48 votes, White by 132 votes, Bradley by 182 votes and Engel by 155 votes. 901 votes were cast at the election.

Under the then prevailing convention system, ballots were passed around to any one and there were in those days, about 150 persons who were always willing to sell their vote for \$2.50, the purchaser putting the ballot in the voter's hand, which he kept in plain sight, the purchaser walked behind him to the polling place and watched him give the ticket to the polling clerk and then walk away and would then give him the \$2.50. The day of the election, these persons who were in the habit of selling their votes, congregated in groups, and held off selling out too soon, knowing that it had been a warm campaign and expecting better prices. Personally I was opposed to the practice, these votes usually were the “balance of power” and had always been purchased by the Republicans in the past, most of the money coming from the Rideout Bank and the Buckeye Milling Company interests for “campaign purposes” and who controlled “town politics.” That day Tom MacNamee who did the “practical” politics, commenced to believe that it was going to be a close election, so raised the bid for votes to \$3.50 and commenced to gather in these voters. I “got hot in the collar,” went to the bank and drew out some money to “play the same game,” but I was too late, they had been mostly bought up.

When the votes had been counted and my friends and I saw that our ticket was defeated, a few of us were at my office, talking of the day's events and about midnight, decided to go up-town and get drinks and go home. We went to Billy Ward's saloon 123 and upon entering, there was the newly elected Mayor, Mr. Hoffstetter and a lot of his retainers, all drinking champagne at the bar. Hoffstetter, when he caught sight of me, called out, “Come in Bill and bring in your friends and we will treat the losers,” then added, “what will all of you boys have, will you join us with champagne,” to which I replied, “No, all of us will take some Hoffstetter's Bitters.” That raised a laugh and made good feelings and the champagne flowed for quite a while. Years after, Mr.

Hoffstetter moved to the bay region and whenever I ran across him, he would always remind me of the time I had called for Hoffstetter's Bitters.

I always felt sorry for Mayor Hoffstetter, his Council would not work in harmony with him; several times, when Council meetings were called to decide on some matter, some of the Council members would “run out” on him and he was forced to have the City Marshal attempt to place them under arrest and make them attend such meetings. He was timid about expenditures and because I had been his opponent, usually consulted me to be sure there would not be any criticism from our side; he was very much relieved when his term of office ended; he did not like politics.

CHAPTER LVI

Elected Mayor, First Term

Street Railroad

AFTER Mayor Hoffstetter had served for two years as Mayor, Mr. Norman Rideout was then elected Mayor and served the following two years. Both of these gentlemen were bankers and, as usual with bankers, they were conservative and their thoughts were on lower tax rates and no expenditures for public improvements, for which there was considerable agitation. I was among those who were quite persistently talking public improvements, so when Mayor Rideout was about to retire, my friends in both parties agitated for my nomination for Mayor. When the Republicans and Democrats held their separate conventions, each party nominated separate candidates for all the various offices except that of Mayor, and I was nominated for Mayor by both parties, which I accepted, as the various candidates on both tickets were satisfactory to me, which ever side won out.

When the election was over, the candidates who were elected for Councilmen were, W. F. Kelly, Martin Sullivan, L. C. Williams, and B. Mehl, and they were the ones I had hoped would be elected. This was on March 21st, 1894.

The night of the election, I was “tipped off” that some of my friends were going to come up to my father's home and pay me a visit and serenade me. I knew what that meant and made preparations. In our house we had one large billiard room; I had the billiard table covered with oilcloth, all the chairs removed, engaged three bartenders, laid in a big supply of beer, whiskey and champagne, and waited for the visitors. 124 About 9:00 p.m., a brass band came marching up the street, followed by about 150 citizens (of all complexions), I gave them a brief expression of thanks and invited them in for “refreshments.” In about two hours, the refreshments had been exhausted and the room was a wreck, and by that time, we had found out who the other successful candidates were for Councilmen. They were, in turn, all visited and serenaded and the last one called on was Mr. Mehl, who ran the Golden Eagle Hotel, where the crowd was still further regaled with “refreshments” followed with all they wanted to eat in the dining room; there was a “hot time in the old town that night,” and that was the tune the band mostly played that night.

We held our first meeting on April 3rd, 1894, and in my address to the new Council, I asked for their co-operation on improvements on streets and drainage sewers. I immediately obtained estimates for a bitumen paved surfaced street, with concrete foundation, same to be on D Street, between First and Fifth Streets. When I presented these estimates at the next Council meeting, it was clearly shown what it would cost each individual property owner on opposite sides of the street, and this amounted to \$24,715.62, the City itself to pay for the intersections, the property owners to pay over a term of years under the Vrooman Act. The following week, a special meeting was held and the interested property owners were present to express their opinions, which were divided, the greatest objections being by the owners of the property between 4th and 5th Streets, which at that time was all residential; that block was eliminated; a majority of the remaining frontage was favorable, and the work ordered performed. Had it not been that the Ellis Company had the largest bill to pay (about \$3000) while all the others were less than \$1000.00, I doubt if such an entirely new innovation of that kind could have been put over. While the work was in progress, many citizens were very skeptical as to its success, but when it was completed and traffic gave it a test, every one was satisfied and the public became “improvement minded”; the women became interested in park improvements, local talent put on minstrel shows and other entertainments,

\$299.97 was raised and turned over to me to be expended for trees in Napoleon Square, and those are the very fine large trees which now adorn that square. While the public had this “improvement mood,” the following year, at a Council meeting on April 2nd, 1895, I sprung another surprise proposal, for a drainage sewer system for the area between A and G Streets and First and 9th Streets. George Atherton, City Engineer of Stockton, had in the meantime been engaged, had made surveys and estimates and at this Council meeting, the public was presented with the proposed plan with detailed costs, all this drainage area to have its discharge into the lake at E & 9th Streets. We had, during our first year's term of office, paid off the remaining bonded debt of the City, with the exception of \$4500.00, which bonds were owned by the City Library Association. I advocated a new bond issue for \$40,000.00 to make the new proposed improvements. Public hearings were held, and on June 6th, 1895, the bond issue carried by a vote of 692 “for” and 94 “against.”

W. T. ELLIS SENIOR, 1826-1913 PHOTOGRAPH TAKEN IN 1900

THE AUTHOR WHEN FIRST ELECTED MAYOR IN 1894

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In addition to the street work, some of the money was to be expended for filling in the streets and alleys in the lake area between 2nd and 9th Streets, which resulted in a “checkerboard” of half blocks, of stagnant water, these lots being privately owned; this resulted in an anticipated nuisance and we then forced the owners to abate the nuisances on their private holdings by filling in their properties also. This made a lot of mighty indignant property owners but we “stood pat” and most all of them filled sufficiently to abate the nuisance which had been created, while some refused, and in those cases, the City filled the lots and took ownership. We then sold a few of these lots for about one half what it had cost to fill them (these were at 3rd and Orange Streets) to T. J. o'Brien, Edgar Taber and others, with their promise to build homes on these properties, in an effort to start home building in that area.

For this action I had a lot of criticism leveled at me, but time demonstrated that it was good business policy, as it was not long after that many homes were erected in the newly filled area

resulting in increased City assessment; the “barrier” of the lake between 2nd and 9th Streets was eliminated and gradually all the area west of G Street was built up as a residential section.

Advertisements were inserted for performing these various improvements; Gladding-McBean & Co. secured the award for sewer pipe, placing the sewers in position was awarded partly to C. D. Vincent and partly to William Heafey, while the filling of the streets and alleys, amounting to about \$26,000, was awarded to C. D. Vincent. It might be interesting to note that Vincent's bid was only eighteen and two-fifths cents per cubic yard and he did the work with horses and wagons and loaded the wagons by men with shovels and made a fair profit when the job was completed; but hay and feed, men and teams did not get the prices which prevail, these later days.

STREET RAILROAD

In 1894, a franchise for a street railroad between Marysville and Yuba City had been granted to D. E. Knight and his associates but it was not until March 6th, 1894, that an amended franchise was granted and the street car system was installed and put in operation. The company had two small cars, the motor power consisting of two small mules to each car; the service was rather slow but it filled a long felt want; the profits were very lean and with the idea of improving the service with more speed, Mr. Knight contracted for a gasoline motor car, to replace the mules, with a Mr. Best of Stockton (who afterwards made a success of the Best Caterpillar tractors). This motor car was finally installed and Mr. Best and Mr. Knight made the first trip and the public turned out to witness the innovation; the motor developed considerable troubles on its various trips which Mr. Best endeavored to correct. The cost was to be \$3000, and was guaranteed to be successful but apparently Mr. Best had secretly come to the conclusion that it would not be a success, particularly as the public had commenced to make objections to the noise, and it was constantly scaring horses and causing many 126 “runaways.” So after he finished his repairs and alterations, he assured Mr. Knight that it would work properly thereafter and that he needed the money badly and if Mr. Knight would accept same at once, he would throw off \$500 and let Mr. Knight have it at a bargain for \$2500. Mr. Knight “fell” for the offer and paid for the motor car and continued to try and operate it, but by that time, the public was quite aroused by the noise and the frightening of horses, and the

Appeal was poking fun at “Knight's Juggernaut,” so finally Knight gave up in disgust and discarded it and the old mules went back on the job again. My father was associated with Mr. Knight in the company, and I was, in addition to my other duties at the store, the secretary of the company.

These mule cars were operating when I became Mayor and started the paving of D Street from First to Fourth Street, and I demanded from Mr. Knight that he replace the small narrow “T” rails with heavier “grooved” rails. Mr. Knight told me that he would replace the old rails with heavier rails but that he was a better judge of what kind of rails were necessary than I was and what new rails he ordered would be put down. Again I warned him that he must replace with grooved rails. Shortly after, he had a gang of men tearing up the old rails and started to replace them with similar rails, only heavier.

Accompanied by our City Engineer, George Holland, we went to the scene of operations and warned the foreman in charge of the work crew to stop putting down the objectionable rails. This led to an argument and finally the foreman called me a liar and picking up a crowbar, started after Holland and myself with it and, as he was a very large, husky man and the crowbar looked like a very formidable weapon, Holland and myself took to our heels and ran to the sidewalk, where a large crowd had assembled to “watch the fun.” Bets were being offered that I would have to “back down” and that Knight, with his influence with my father would have his way. I was “placed on the spot” and I knew it, so I immediately swore out a warrant for the foreman's arrest for “assault and battery,” and he was placed under arrest. Mr. Knight put up bonds for his release and then came down to my father's office to see me and father. Mr. Knight was “mad as a March hare,” told me that I was discharged as secretary of the company (which, by the way, paid no salary), that I would soon find out “who was running this town” and that before he got through with me, “he would drive a 20 mule team through me and my gang,” etc. My father, who was close by, listened to the rather heated conversation, sided with Mr. Knight, and I was told by him that I was no longer in his employ and to look elsewhere for a job. I put on my hat and walked out.

I immediately consulted the City Attorney and ascertained that the Mayor and Council had full authority to regulate the type of rails which should be installed; I sent this word to Mr. Knight and

he finally placed the proper and required type of rail on the streets, much to his disgust and chagrin. He never spoke to me again, which I always regretted as he was a mighty fine man.

As for my job, which I had lost, I did not go home, but got a room downtown and 127 put in time watching City work going on for about a week, when one day I ran across my father. He asked me what I was doing. I told him I was taking a “good vacation”; he very gruffly said, “You are wanted at the office. Go back and go to work,” which I did.

When Mr. Knight found this out, he almost had a “falling out” with my father, particularly when father told him that he had made up his mind that I was right about wanting grooved rails and that the other type of rails would not have made a good job.

Some years afterwards, the Sacramento Northern Railroad had commenced construction; it was building a railroad from Chico to Sacramento and planned to reach Yuba City and continue down Sutter County and across the Feather River about Nicolaus, thence to Sacramento. They had commenced to negotiate for rights of way below Yuba City and were having some trouble about prices. We in Marysville did not want to be left to one side of this railroad, so I approached Mr. Henry Butters, who was in charge and who was putting up most of the money for this railroad. I suggested that if he was being “held up” for rights of way, that if he would run his railroad through Marysville, having previously acquired the franchise of the old street car company (which they wanted as a connection), that I could guarantee to furnish them a free right of way from Marysville to Bear River and they could save a lot of money. I was able to make this offer to them because just at that time, Mr. Cline Bull and his associates were planning a large reclamation (afterwards District 784), and were actually building levees; they owned a very large area there, contemplated a large subdivision and expected to make a large amount of money disposing of this subdivision and Mr. Bull realized the importance of having a railroad run through the property. I arranged for a meeting with the representatives of the railroad company with Mr. Bull and his associates and this resulted in an agreement by which a free right of way was to be granted the railroad from Marysville to Bear River and the railroad company was to be paid the sum of \$40,000.00 out of the prospective profits of the sale of the subdivision, when and if, same was eventually realized (which it never was).

After this railroad was built, then came the floods of 1907 and 1909 which did immense damage to that railroad and Mr. Butters, when I met him one day on the street, gave me particular H—for having induced him to take that route in place of keeping on the Sutter County side. Well, we got the railroad through Yuba County anyway and had it gone on the Sutter County side, his railroad would have been damaged by the 1907 and 1909 floods just the same.

When I first became Mayor, all streets were graveled, with plenty of red dirt in the gravel; the streets were exceedingly muddy in the winter and very dusty in the summer, notwithstanding that the main streets were wet down by sprinkling tank wagons each day. At street intersections, crossings for pedestrians consisted of two rows of granite blocks, which would get quite muddy in winter also, necessitating ladies (whose dresses touched the ground those days) lifting their dresses and skirts, exposing 128 their ankles, much to the edification of the “sidewalk Johnnies.” Similar necessity occurred during the summer months when dust accumulated at times several inches deep on these granite crossings. A favorite “ditty” with the ladies those days was as follows: “These are the days when the north wind blows, And flies our skirts knee high; But God is just and sends the dust, Which blows in the bad man's eye.”

In those days, also, merchants had the habit and practice of blocking the sidewalks with merchandise on display all day; trunks, wheelbarrows, cases of groceries, etc., and the “gents furnishing stores” always had dummies against the walls, displaying full suits of clothes on them, a small chain being run up through the arms and attached to the building wall, so no one could steal a coat or vest off the dummy, the pants being fairly safe. The fire department those days had the fire hose on a large reel on two wheels, which was drawn by six husky firemen; if the streets happened to be very muddy, they would take a particular delight in drawing this “hose wagon” along the sidewalks, scattering trunks, wheelbarrows and dummies in all directions. The populace at large would enjoy this fun, but the merchants would give vent to profane expressions of disapproval.

When I became Mayor, I gave orders to have all sidewalks kept clear of such obstructions; I had a tough job for a while as the merchants considered this “old Spanish custom” a “birthright.” Some merchants said, “This young Mayor Bill will never get elected again”—but I was.

In connection with the \$40,000 bond issue, previously mentioned in this chapter, I had a very interesting and, at the time, a very disturbing experience. The bonds which were voted by the citizens, were to bear 5 per cent interest and with the idea of obtaining votes, they were to be \$100 bonds in place of the usual \$500 or \$1000 bonds, and in circulars which I mailed to the voters, I not only explained just what the bonds were to be used for, the necessity of these public improvements, etc., but that we hoped that all the citizens would purchase at least one bond, so that the interest could be “kept at home.” It helped to get votes. However, when the bonds had been voted by a majority of about seven to one, we made no effort to carry out this plan but advertised the bonds for sale. At that time, the *Appeal* was supporting the City administration but the *Democrat*, owned by Tom Sherwood and largely controlled by Mr. D. E. Knight, were bitterly opposed to the bond issue and when the bonds were actually voted, the *Democrat* came out with a scathing article and followed this with a comment of “now that the young Mayor has put his bond issue over, now let us see him sell his bonds,” claiming that the interest rate (5 per cent) was too low. I soon found out what he had in his mind when we advertised the bonds for sale and only one 129 satisfactory bid was received, that being from De Van & Company of Chicago at par. This was on August 5, 1895, and two days later we accepted their bid. The Rideout Bank made no bid as they were not friendly to the Administration's plans; as for the Decker-Jewett Bank, my friend, Mr. Bingham, Cashier of the Decker-Jewett Bank had told me to have the interest rate fixed at 5 per cent and that they would put in a bid, but when the time arrived, both Mr. Decker and Mr. Jewett were out of the State and Mr. Knight was a very influential Director of the Bank and prevented Mr. Bingham submitting a bid. Assuming that De Van & Company would “make good” and take the bonds, we had advertised for bids for considerable of the proposed works and let some contracts. However, De Van & Company did not even let us hear from them further, so on September 7th, we formally withdrew the award we had made to them of the bonds, and “off the record” I was instructed to endeavor to sell the bonds to some bank in San Francisco. I went to San Francisco, taking the bonds with me and placed them in the vault of the Palace Hotel office. I called on several banks in the City and in every case, was asked, “Why don't your local banks take the bonds” and had to explain that it was a case of “local politics” which prevented them making an offer. Some also mentioned the danger to the City from floods because of the filling of the rivers, about which I could not satisfy them. I was

not only very disappointed but very much perturbed, knowing that we had already let contracts for work, which could not entirely be taken care of out of our General Fund. As a last resort, I decided to call on a well known old Jewish private banker, by the name of Daniel Meyer, reputed to be a millionaire, several times over. I called on Mr. Meyer, told him of my mission, in quite glowing terms told him of Marysville and its bright future and that the City had no bonded debt, except the \$4500 which latter were some old bonds belonging to the City Library and belonging to the City itself.

After some time, Mr. Meyer said, "Vell, Mr. Ellis, I will take the bonds if my lawyer tells me that they are good; haf you got them with you?" I told him I had the bonds in the hotel safe and would go and get them and would be back in about an hour. Now 400 bonds of \$100 each made quite a large bundle, and when I went into Mr. Meyer's office and he saw that large bundle under my arm, he realized at once that they were all of small denomination, and in a loud shrill voice exclaimed, "Vot, hundred dollar bonds; you dam young fool, you dam young fool, do you tink I want to bother mit hundred dollar bonds, do you tink my safe is a varehouse big enough to store dat kind of bonds in it, do you tink I haf the time to spare to cut coupons off of hundred dollar bonds, do you tink I want to wear out scissors cutting off coupons on hundred dollar bonds, you dam young fool," etc. etc. etc. I had to stand and "take it" and "like it" but when he finally quieted down and gave me a chance to talk, I told him I was quite sure I had explained to him that they were hundred dollar bonds, that he must have overlooked what I had told him and then I said, "Mr. Meyer, I never met you before, but I have heard a lot about you from many people and I have often heard it said, that "Daniel Meyer's word is as good as his bond"; now Mr. Meyer, you told me that you would take the bonds and I am sure you are going to live up to your reputation and keep your word with me." That seemed to please the old man for he said, "Vell, let's look at the bonds." Now the bonds had my name printed on them as Mayor, but each bond was signed by hand by Justus Greeley as City Treasurer and immediately Mr. Meyer raised the point that my signature should have been also signed by hand and not printed. I debated the matter with him for some time, claiming that the bonds complied with the law and finally he said he would have to consult his attorney, who had an office on the second floor. His attorney was called in, a Mr. Silverstein, the point in question

was explained and he returned upstairs, he said, to look up the law. For the next half hour, I was told what a “dam fool” I was for having the bonds voted in denominations of \$100 each in place of \$1000 each. Finally, I asked Mr. Meyer if he had any objections to me going upstairs and see how Mr. Silverstein was getting along and he replied, “Go right ahead, go right ahead.” I discussed the matter with Mr. Silverstein a while and finally “took a chance” and told him, “Now Mr. Silverstein there can be no question about those bonds being all right, I feel sure you haven't found anything to the contrary; now I feel that I have been the cause of taking up a lot of your time and feel that I should reimburse you”; with that, I handed him a \$20 gold piece, Mr. Silverstein slipped it in his pocket and together we went downstairs and Mr. Silverstein told Mr. Meyer that he was quite sure the bonds were all right. With some reluctance, Mr. Meyer gave me his check for \$40,000. The next day, September 17th, I turned the check over to the City Treasurer, with a “sigh of relief” and the *Appeal* the next day had an article doing a little “crowing” over the *Democrat* because of the final sale of the bonds.

CHAPTER LVII

ELECTED MAYOR, SECOND TERM

ON March 17th, 1896, another City election was held and as the work of the past administration apparently appealed to the mass of the citizens, the same Councilmen and myself were re-elected without any contest for another term of two years.

The first work accomplished was improving D street from 4th to 5th, with a layer of natural bitumen from a Santa Cruz deposit on a concrete base, thence west on 5th Street to G Street, with a macadamized surface. At that time the first electric power plant had been constructed in the mountains by John Martin and his associates; it was one of the first in the State and Mr. Martin took up with the Council the matter of furnishing electric lights for streets and submitted a bid to the Council for thirty-three arc lights for street lighting, at \$6.00 per light per month. The Gas Works Company in Marysville had been operated by David E. Knight for many years, and, anticipating the competition from the new power plant, which was to be operated with water 131 power, Mr.

Knight had added to his gas plant a steam power electric plant to meet the competition, Mr. Knight being under the impression that the new opposition company was being constructed to force him (Knight) to buy them out. He considered it just a “hold up” project; and Knight, being stubborn and a first class fighter, determined that he would not be “held up” and would try to prevent the new company getting any business. So the day before Mr. Martin appeared before the Council, Mr. Knight obtained an injunction from the Superior Court to prevent the Mayor and Council letting any contract to the new company. Feeling ran high and the *Daily Democrat* was almost daily “roasting” the Mayor and Council for proposing to let a contract to the new company without advertising for bids, but we countered by showing that the law permitted a City of less than 10,000 people to let contracts without bids if the price per light was less than \$10 per month. There wasn't enough room for people in the City Hall that night. Speakers spoke both pro and con and then, after a hectic meeting, the Council passed a resolution awarding the contract to the new company. For the next few days, the *Daily Democrat* “roasted” the Council unmercifully and I was charged with “insanity”; on the other hand, the *Marysville Appeal*, which had formerly been opposed to me when I first ran for Mayor, now gave us unqualified support; it was a bully fight. The new electric light company which had been promoted by John Martin was then called the Yuba Power Co. and, from this small beginning, later on grew the octopus known as the Pacific Gas & Electric Co.

During this term of office, we added many blocks of improved streets and additional sewers, made further improvements in public parks, established a pumping plant for the lake at E and 15th Streets, made improvements at the cemetery, etc., etc. We had “started something” in the way of public improvements, and this movement continued thereafter. At first the citizens were about equally divided, our opponents placing all the blame on me personally, because of my “new fangled crazy notions” which were going to cause the tax payers more expense and there was some talk of impeaching me.

I was particularly fortunate in having associated with me such Councilmen as Messrs. Kelly, Williams, Mehl and Sullivan; they were absolutely independent, were “improvement minded,”

influences which were brought to bear never swerved their own good judgment and opinions; we all worked together in harmony as a unit.

I had only one regret and that was that the coming of electric power, in opposition to the very old established gas business of David Knight, resulted in a rift between Mr. Knight and myself which was never healed. Mr. Knight was always exceedingly public spirited and charitable and was a leading citizen and almost always had had “his way.” Unfortunately he did not have the vision to realize that the “old way” could be superseded with a new and better way and also was obsessed with the idea that the new power project was just a “blackmailing scheme,” as he called it, to compel him to buy them out; eventually the new power company bought him out as well as his large woolen mills plant.

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CHAPTER LVIII

Marysville Levee Commission

THE year following the 1875 flood in Marysville the State Legislature was approached which resulted in an Act being adopted on March 6, 1876, creating “A Board of Levee Commissioners for the City of Marysville” which is the same Act under which the City's Levee Commission has been operating ever since. It provided for three Commissioners, to be elected every four years, to serve without salary or expenses, and to be under \$10,000 bonds. The Act gave power for the Commission to take property wanted for levee purposes and, if necessary, condemn same afterwards. It has always been a question in my mind if such power was constitutional or not, but I do know, that it has permitted the Commission on many occasions to settle a price on some property with little argument and without a law suit. As for a tax rate, the Act really permitted “the sky to be the limit”; under the City's charter, the Mayor and Council cannot borrow in excess of \$10,000 for City purposes, except under a bond issue, but the City can borrow for levee purposes, any sum necessary with the assent of the Mayor and Council. This Commission has more

powers than any other similar Commission in the State and the importance of retaining the Levee Commission and these extraordinary powers, will be dwelt on in a succeeding chapter.

In the first election, there were several candidates, my father being among the number; he ran fourth and so was defeated. His opponent was an old German gentleman by the name of William Landis who, I presume, was comfortably well provided for and had always been a great walker on the levees, taking a stroll on the levee almost every day. He always had a cheery salutation to every one of "wee gates," and was known to every one as "Father Wee-gates." He objected to having his name proposed as a candidate, said he would refuse the office if elected and did refuse to act, when he was elected. The other two successful candidates then offered the vacant position to my father, but I presume his pride was perhaps a little hurt and he refused; however, father became a member of the Commission in 1882 and served for 29 years. My brother-in-law, A. C. Bingham, also became a member in 1888 and served for 8 years and was a very active member. I was taking a great interest in flood matters at that time and "trained" under Bingham for several years and became a member of the Commission on January 9, 1900. D. E. Knight having died I was appointed in his place and became President and served as President for 12 years until in 1913 when I resigned to go on the State Reclamation Board. I kept in close touch with the Commission work in the meantime, until April 5, 1920 when I left the Reclamation Board and again became President of the Levee Commission and have been connected with the Commission ever since.

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CHAPTER LIX

Levee Foreman

WHEN I became a Levee Commissioner on January 9, 1900 the foreman at that time was Michael Long, known by every one as Mike Long. He had been foreman for a number of years before I went on the Commission. At that same time, he had occasional assistants in Frank Smith and John (Jack) Cumisky, the latter still living in Marysville. Mike Long died in 1907 and was succeeded by Frank

Smith, who died in 1933 and was succeeded by Nels Nelson. Only three different foremen in forty-five years.

Mike was quite a character, with a lot of good quiet Irish humor and he and I used to put in almost every Sunday, weather permitting, making trips of inspection of the levees, roaming about the Yuba River bottoms, making a study of the (then) innumerable channels, observing the changes made during the preceding winter and trying to guess what the river would attempt to do in the way of changes the next winter season. In those times, the entire Yuba River bottoms, from Marysville to the edge of the foothills, a length of about ten miles, with an average width of about two and a half miles, had a dense growth of trees, underbrush, wild grapevines, blackberry bushes, etc., except for the many channels themselves, and it was with very considerable difficulty that any roaming about an area of about 16,000 acres was possible. Where a channel was observed and which showed that the river had an inclination to head towards our levee system, brush dams or brush mattresses would be constructed. As Mike was an expert in that line such work was usually effective and it was a rare occasion that one ever washed away. While it was impossible to *control* the Yuba River, having a fall of about 9 feet to the mile and with a discharge of about 140,000 second feet, we found by experience that in most cases we could *guide and deflect* the river to places where we wanted it to go. Frank Smith had been tutored under Mike Long and had learned his tricks of channel control. Both these men were devoted to their duties, absolutely dependable, never excitable during flood periods and each of them seemed to take the attitude that the levee was his own personal property to be cared for the way a mother would for her child. Each of them in turn, spent his entire working hours on the levee, summer and winter; in the summer time, making repairs and being particularly watchful for gophers and squirrels which are dangerous pests in connection with levees, and hundreds of these “varmints” were caught and killed each year either with traps or poison. The proof of their vigilance is the fact that never since Mike Long came to the levee, has a gopher or squirrel hole ever caused trouble on our levee system, during high water periods, up to the present time. Just the reverse has been the case many times in many other levee systems, (many locally) because of what 134 might be termed, “criminal negligence” on the part of levee directors or, many times, because of parsimonious expenditures of levee funds, a “penny wise and pound foolish”

policy which some levee districts have ascertained to their regret, when their levees have failed because of such neglect. It should always be remembered, that just *one* well located gopher hole, (particularly in a levee constructed of heavy earth material) is sufficient to “turn the trick” and cause a levee to fail and it is surprising how far into a levee a gopher can dig his “tunnel home” for the winter.

Seepage, either *through* the base or *under* the base of any levee is never dangerous if the seepage water is perfectly CLEAR, as that indicates that the water is simply “filtering” through a large area; if however, such seepage water is DISCOLORED AND PERHAPS MUDDY IN COLOR, that shows a dangerous situation, requiring prompt action. In the latter case, the main source of such discolored water can be located, usually in one spot and if it is at, or close to the base of the levee, can be made secure by layers of bags, filled with sand or earth, spread over the area to “weight it down.” If the discolored water comes through the *side* of the levee (probably because of a gopher hole), then with a shovel, just below the hole, dig and level off a “bench” on the side of the levee, so as to have a firm footing and then commence the erection of a “chimney,” made of two (or more) parallel rows of bags of earth, laid in a half circle shape around the hole, with rows on top, each row resting against the side of the levee and each half circle getting longer with the slope of the levee side. Each sack, when placed in position should be firmly flattened in place by “tromping” same in place with your feet, and each layer, should have “joints broken,” the same as a brick layer lays brick in a wall. The result is practically a “coffer dam,” which should have a light lean towards the levee and if properly constructed, the water coming through the hole in the levee will accumulate in the “chimney” until it gets high enough to balance the pressure from the opposite side of the levee. On two occasions I have seen the above method performed (not on the Marysville levee) and it worked satisfactorily and saved a serious situation.

CHAPTER LX

President Hallwood Irrigation Company

ABOUT 1905, some farmers commenced to take water from the Yuba River for irrigation purposes; later on, others joined in and eventually the Hallwood Irrigation Company was formed, which company later on, in conjunction with the Cordua Irrigation Company, joined in constructing a concrete tunnel through the hill at Daguerre Point for a joint water supply, the Hallwood Irrigation Company controlling two-thirds and the Cordua Company one-third of the water delivery of about 200 second feet. In 1913, the Hallwood Company became a Mutual Water Company and later on financial troubles and misunderstandings between the Directors arose and at a 135 stock holders' meeting one day, I was invited to be present, having just previously purchased 100 shares of stock which gave a perpetual water right to 100 acres of land which the Ellis Company owned in the Hallwood area. This was on June 12, 1914.

At this meeting I was made acquainted with their troubles and difficulties and was asked to take the position of President of the Company. I finally agreed, provided that I would be permitted to name the Board of Directors and with the understanding that I was to be also the Manager of the Company; this was agreed to. I then selected a ditch superintendent, a secretary and a legal advisor and had the secretary open a new set of books. The Company was indebted for borrowed money to the Rideout Bank and a private individual, Thomas Mathews, in the total sum of about \$8000 which the Company was being pressed for but had failed to pay. I managed the Company for about five and a half years, or until March 13, 1920 having in the meantime, liquidated all the Company's debts, and placed all the ditches, etc., in good condition and repair. I then resigned my position and charged them no salary or expenses for my five and a half years' service.

Two years later, on February 17, 1922 I was again requested to attend a stockholders' meeting and it was explained that the Company was again in debt, the books had not been kept up to date and I was again asked to become President and Manager. I finally agreed to do so, with the understanding that I was to again select the Directors, have a paid secretary and legal advisor but that they would have to pay me \$50 per month for salary and expenses. (This I voluntarily decreased later to \$35 during the depression.)

This was agreed to and for the next fifteen years I managed the affairs of the Company, made many improvements, kept the Company out of debt and when I retired in 1937, the Company had 6298 shares of stock issued, applying on 6298 acres of land in the District. The Company had thirty-three miles of ditches, several miles of which were concreted and a new intake for water supply, and which took about three years' effort to obtain, and which had cost the Company nothing but had cost the Yuba Consolidated Gold Fields about \$30,000.00 to install, because of their interference in the Company's water supply as a result of seepage loss through the dredge tailings. The Company when first formed delivered water only to the lands on the north side of the Yuba River levee but having an ample water supply, I persuaded the Directors to extend the delivery of water to a large area on the south side of the levee, generally known as the Hallwood bottom lands where about 1700 acres are now being irrigated.

Shortly after I first took over the Company, I found that one of the land owners had not turned over his old original issue of stock and obtained in return, a new certificate in the newly formed Mutual Company. This led finally to much controversy and eventually culminated in a law suit which, however, was not pressed during the two years I retired from the Company management. Upon becoming Manager again, I pressed this suit and the Company won in the Superior Court; an appeal was taken to the Supreme Court and the Company again won. Not satisfied, the attorney for the land 136 owner's estate, (he having previously died), again set up the same claims in the names of the grandchildren; this suit the Company won and also won when it went again to the Supreme Court. This engendered considerable feeling; in fact, having the position of President and General Manager was "no bed of roses." For a number of years, and quite often, at annual meetings of the stockholders, there was a strong effort put forth on both sides for votes and proxies to obtain control, but I always won. This finally quieted down and the great majority of the stockholders either became reconciled or satisfied with my management and the development of the District's properties and financial affairs, as harmony prevailed.

This Hallwood Irrigation Company is one of the best and cheapest irrigation districts in the State. The Company, being a "mutual" company is not conducted for profit but only for service.

The Company levies three assessments per year of 50c each, making a total charge for water for the season of only \$1.50 per acre and this charge is irrespective of the water's use, whether it be for rice, clover, orchards, vineyards, etc., etc. Rice requires more water than almost any other crop, usually requiring at least an equivalent of seven feet of water per acre per year, and in other irrigation districts in this vicinity, as much as \$8.50 an acre is charged for water, which the Hallwood Company delivers for \$1.50 per acre. The Company's assets, when I retired, had a book value of \$32,992.35 which included the Company's water right which was carried on the books at \$449.50 but for a fact, this water right alone is worth at least \$75,000.00. I believe that a conservative value of the Company's water right, ditches and other assets would be \$100,000.00; this does not include any land as the only land the Company owns is about one acre, on which is situated the Ditch Superintendent's house which the Company furnishes him. The Company has never had a bonded debt and if it continues in the future to operate on a "pay as you go basis," as in the past, continues to have harmony, as of late years, and cooperates with its neighbor irrigation district, the Company should continue to flourish and the land owners be successful in their agricultural pursuits.

It is prosperous community and the residents are a high type of American citizens.

CHAPTER LXI

Amusing Experience in a Federal Court

WHEN dredging for gold first commenced on the Yuba River, the first Company was the Yuba Consolidated Gold Fields. Later on John Martin and his associates acquired a large area downstream from the former mentioned Company's holdings for gold dredging operations and their Company was called the Marysville Dredging Company. The Yuba Consolidated Gold Fields had been operating for several years 137 before the Marysville Dredging Company commenced to construct a dredge in the bottom lands near the south bank of the river and when this dredge was completed, its first operation was to dredge up a rock pile for some distance, directly north and south at right angles to the river channel. This was done with the idea of protecting the dredge from

the onslaught of a swift current which might occur the following winter. This first protecting dredge embankment was approximately 2000 feet long and was situated about 3500 feet southwesterly from the lower extreme end of Daguerer Point Hill. The latter Company used good judgment in doing this as later on a flood occurred and this dredge wall deflected the heavy current to the north and protected the dredge from the force of the water but, unfortunately, the current which was deflected northerly, was directed against the north training wall, which had been previously constructed, causing a break in that training wall. This occurrence, together with the fact that before any gold dredging had commenced, we in Marysville had acquired easements for the Federal Government to conduct such operations as they saw fit in the then adopted plan to control the flow of debris and when the Yuba Consolidated Gold Fields commenced operations, they had asked for and obtained permission to operate dredgers on the lands covered with these easements, while the Marysville Dredging Company had declined to ask for and obtain similar permission from the Federal engineers, all of which resulted in unpleasant relations between the California Debris Commission and the Marysville Dredging Company. This finally culminated in a suit entitled *United States VS. Marysville Dredging Company*; it started in the spring of 1918 and finally came to trial in December 1919. The suit, as I remember it, was for damages done the north training wall, but the real motive was to compel the Marysville Dredging Company to recognize the authority of the Federal Government and obtain a permit to dredge from the War Department.

The suit was in the Federal Court before Judge Van Fleet, and Colonel Rand of the California Debris Commission had invited me to come down and listen in and possibly render some assistance.

After a presentation of the complaint about damages, etc., by the attorneys representing the Federal Government, the defense put on their main witness, Mr. C. E. Grunsky, a very well known and eminent engineer who had a national reputation and who had been one of the members of the Panama Canal Commission when that canal was first being constructed.

After Mr. Grunsky had given his name, statement of his experiences and qualifications as an expert engineer on hydraulics, etc., he proceeded to state that he was very familiar with the Yuba River,

had many years previously conducted surveys in connection with flood and debris control, that he had since then visited the Yuba River area on several occasions, several years apart, making casual observations and that he considered that he could explain just what had happened and which had resulted in the break in the north training wall. He then proceeded to explain that the diversion of the 138 entire Yuba River through the new "cut" at Daguerre Point had resulted in the flood flow being diverted against the north training wall and that, as a result, the new conditions which had been created by the Government's works had been the cause of the damage and that the Marysville Dredging Company was in no way responsible. Mr. Grunsky made a very impressive witness and the case was about to close with his testimony and it also appeared that the Federal Government was about to lose its case. I was sitting by the side of Colonel Rand and I leaned over and whispered to him that "Mr. Grunsky's testimony was all wrong," and proceeded to explain to him why; he asked if I could prove my contentions and I said that I was quite sure I could do so and showed him a blue print, which I happened to have with me, which had been made by the other Dredger Company and which showed in detail, every area which had been dredged thus far and the different angles in which various dredgers had worked the ground over.

He then had his attorneys call me as a witness. After I had given my name and address, I was asked if I was a civil engineer and replied "no," and there were smiles on the faces of the opposition; then when I was asked what my business was and replied that "I was a groceryman," there was a general laugh and the Judge rapped for order. The next question was, did I believe that I could qualify as an expert on Yuba River conditions; I replied that I thought I could because of many years of very close and continuous observations of the changing conditions of that river. I was then asked if I had listened to the testimony of Mr. Grunsky and did I concur in his statements. To this I replied that it was no doubt rather presumptuous on my part to disagree or criticize the testimony on the part of such an eminent engineer as Mr. Grunsky but that he had made several mistakes in his testimony, and that they were unquestionably unintentional but were simply due to the fact that he had only visited the Yuba River area several times in a good many years; and that of all the rivers of the world, the Yuba River was one which made many changes in channel location and channel conditions every year, that it had many channels and sometimes the main channel would change

its location a half mile or more within a few hours; that the original river was only about 500 feet in width, that debris finally made it about three miles in width, that it flowed now on an elevated plateau, with its bed in many places higher than the farming ground on the opposite side of the levees and that it had been my custom for many years to go down the river in a canvas boat from Daguerre Point to Marysville every spring and make observations of the changed conditions which had been made the previous winter season, etc.

Judge Van Fleet asked some questions about the various channels and their many changes and asked for more explanation and I replied that possibly I could better bring out the point I was endeavoring to explain if he would permit me to tell a “story”; the Judge stated that it was not the custom of having “stories” brought out in testimony in his court but if the story I wanted to tell was apropos to the subject, that I would be permitted to tell the story. I then said “that once upon a time, an old lady had decided to read Webster's unabridged dictionary all through, from beginning to end and when she had completed her task, she was asked if it had been interesting; she replied, that it had been exceedingly interesting to her, the only trouble was, that the subject changed quite often.” So, I said, the same thing applies to the Yuba River, the channels and their conditions “change quite often” and only constant observations, such as I have been in the habit of making for many years, permits of necessary knowledge to have definite information as to that river's eccentricities and changes and which is impossible by casual observations in a few years, as testified to by Mr. Grunsky.

I was then asked if I had any more testimony to offer and I replied that I wanted to explain one vital error Mr. Grunsky had made when he had testified that the flood waters on January 16, 1909 and which he testified had been diverted through the new Government “cut” at Daguerre Point was responsible for the damage done to the north training wall in that certain year; that for an actual fact, the “cut” in Daguerre Point was not opened until September of the following year (1910); that this flood of 1909 had been in its usual old main channel on the south side of Daguerre Point during that certain freshet; that these flood waters had been directed against the new north and south dredge wall which had been constructed by the Marysville Dredging Company and that that wall had deflected the river current against the north training wall and that the construction of this

protecting cobble wall by the Marysville Dredging Company had been the cause of the damage. The Federal Attorney then said to the opposing counsel, "Take the witness," but they asked no questions; the case was closed. On my way out, Colonel Rand said to me, "Well, the groceryman won the suit for us." Mr. Grunsky came up to me—I had been well acquainted with him for many years—and said, "Well Mr. Ellis, I guess your are right, I haven't been visiting the Old Yuba River often enough in the past to know just what has been going on up there."

No decision was ever rendered in the case, however, as shortly after, the Yuba Consolidated Gold Fields bought out the Marysville Dredging Company's interests and arranged for an extension of the south training wall and the suit, at the request of the Federal Government in 1923, was dismissed.

CHAPTER LXII

The Great Floods of the Winter of 1861-62

THE earliest Indian tradition of a great flood in the Sacramento Valley was in 1805.

While this is only a tradition, the fact remains that the records obtained by the Los Angeles Water District, from records kept by the Padres in the various old Missions in Southern California, showed that there were heavy floods during that year in Southern California, which no doubt also prevailed in Northern California as well.

Another large flood is reported to have occurred in the winter of 1825-26. This is on 140 the authority of a well known trapper and guide by the name of Indian Pete and also corresponds with the records of the padres, as mentioned above.

When the whites arrived, authentic records of a large flood are had, this flood being in the winter of 1849-50, at which time, both the Yuba and Feather Rivers were in heavy flood and the lower and westerly portion of the site of Marysville was inundated. In the winter of 1852-53, there were four floods when Marysville was then a "going concern" and the old City Directories tell of a Grand Ball which was scheduled to take place in the three story brick Merchants Hotel, situated at about

F and First Streets, near the bank of the Yuba River, which then was much lower than the D Street area and “the water surrounded the hotel and was several feet deep on the first floor. Many young men and their ladies had to obtain boats to reach the hotel from other parts of town and attend the festivities on a New Year's evening; they made merry on the second floor of the hotel.”

On March 25, 1859 another flood occurred and again this hotel was in the flooded area, “the water being about eight inches higher than it was five years previous” and again, boats were necessary to reach the hotel.

Then came the “great floods” in the winter of 1861-62, when a still higher flood plane was established, “several large buildings were undermined, among them being this same Merchants Hotel; the floors of the hotel fell through to the basement, but fortunately, most of the inmates had left the hotel this time but some few had remained and four were injured but no one killed.” My father told me that he and my mother were living in this hotel and left the hotel a short time before the floors gave way. This flood (there were three in all, one in the latter part of December, the other two being in January), is conceded by all State and Federal authorities to have been the greatest discharge of water in the Sacramento ever known, much greater than the floods which have occurred since then, including the “big flood” of 1907.

I have in my possession a book which was printed in 1863 by H. H. Bancroft & Company of San Francisco (now Bancroft-Whitney Co.). Some years ago this book was shown them and they had no record of ever having published the book; inquiries of the State Library at Sacramento disclosed that they had no copy of this book, in fact I believe that it is the only one in existence.

This book is “an official register and business directory of the Pacific States” but in it are a number of pages of the “Notabilia of the floods of 1861-62,” written by Thomas Rowlandson, F.G.S.L. on the “meterology of the United States and territories on the Pacific.” I quote herewith, some of the comments made by him of that flood, which he made an investigation of, shortly after these floods had subsided. His explorations commenced at San Francisco, northerly through the State, then into Oregon, then through Washington to the Canadian line; he then reversed his travels and

made his investigations south of San Francisco to the Mexican line. From his statements, there were three heavy storms between December 9, 1861 and January 10, 1862, each extending from 141 the Canadian to the Mexican borders, each preceded by heavy snowstorms, which reached to the floor of the valleys and each followed by very heavy rainfalls, which brought down the snows before they had packed.

“Mr. Thomas, who with his brother lost two saw mills, in the foothills above Visalia, stated that the water in many of the ravines rose to a perpendicular height of seventy feet, and that hundreds of immense pines, being uprooted, were all ground up fine by the time they reached the plains. A huge boiler from one of their mills was carried many miles and most of the massive iron works have never been seen since.”

Referring to excessive rainfall, Mr. Rowlandson refers to the precipitation in the Sierra Nevadas “from Mariposa to the Tejon Pass” and states, “Unfortunately, no record has ever been kept of the rainfall in this region; in some parts it must have been enormous, probably more than 200 inches perpendicular for the entire wet season of six months.”

“I learned that there was a tradition existing among the Indians, that during one year not a drop of rain fell in central California, whilst the converse of this is also reported, namely that heavier rains and floods than have been witnessed during 1861-62, have been known. The truth of the latter is greatly corroborated by the fact, that marks exist on trees, growing in the San Joaquin Valley, showing that a former flood had been fully six feet higher. From the bank at Bradford's Ford on the Smith River, the ground has a gradual rise in a northerly direction, and was overflowed a mile or more; from this high water mark, and a quarter of a mile in the same direction, are several drift logs, evidently deposited by a former and still higher flood. The Indians have it that this former flood occurred about forty years since, possibly contemporaneous with that, the evidences of which are still to be witnessed in the San Joaquin Valley.”

“According to the rain-gauge kept by Dr. Ayers, near Stockton and Clay Streets in San Francisco, for the season of 1861-62, the fall amounted to 40.674 inches; the one kept by Mr. Tennant indicated

49.27 inches and the one observed by Dr. Logan, at Sacramento, showed 35.549 inches for the same period; while at Fort Gaston, Hoopa Valley, Klamath County, according to the published statement of Dr. C. A. Kirkpatrick, the fall from September 1861 to June 18, 1862 amounted to 129.16 inches. Mr. Richy, from observations made four miles west of the Sierra Nevada, on the Big Tree Road, the total fall of snow from November 11, 1861 to March 23, 1862 was 50 feet 2 inches.”

“Dr. Logan remarks, that, on the occasion of the first inundation at Sacramento, on December 7, 1861, it commenced raining at 12 M., and ended at 9 A.M. on the 9th, amount in inches, 2.57; the flood commenced at 10 A.M. of 9th December, and at 10 P.M. had reached 2 feet 6 inches in my office; by daylight it had all subsided. At the second inundation, on January 5, 1862, rain commenced at 10 A.M. and ended 1:30 A.M. on the 6th; during that interval there fell 2.69 inches. On January 8th, rain commenced at 11 A.M. and ended at 7 A.M. on the 10th, between which periods there fell 2.84 inches. On January 10th the flood reached my floor at 2 P.M. and at 8 P.M. came to a stand at 3 feet 11 inches above my floor. The Sacramento River rose during this night to 24 feet above low water mark; on the 14th, the water had receded from my floor.”

“There are two circumstances, which will most invariably be found the accompaniments of extremely heavy floods, namely, that of occurring early in the season, previous to the early fallen snow on the mountains having become hardened and compact—in the former state being more easily percolated, and consequently dissolved by warm rains, which occurred; and secondly, the direction of the strong winds being continuous for some time from the southeast to northwest, by which means the tidal waters of the Bay of San Francisco become elevated beyond their normal condition, and to that extent impede the outflow. At the former flood, the former cause was the chief one; at the second one, each cause had its influence.”

“The inundation thus caused, extended over probably more than six million acres, the remedy for which evil can only be sought in mountain impoundage, for which the physical character of the district surrounding the great central valleys affords singularly great facilities, and in positions remarkably favorable for the utilization of the proposed imprisoned waters for mining, manufacturing and irrigation purposes, which, if placed under proper regulations, and combined

with a judicious improvement of the lower Sacramento and San Joaquin, their rivers could, at no great expense, be made susceptible of floating large ocean going steamers to Sacramento and Stockton. The arrangements made for leveeing the swamp lands under the existing law, may be sufficiently effective during small floods, but should the same policy be pursued over any considerable area, it will be found to aggravate the evil and the first large rainfall will demonstrate its insufficiency.”

“Among other curious phenomena connected with the last floods, was the fact that of considerable breadths of tule floating in the bay, on the surface of which there was generally found a number of land snakes, some of which floated into the Pacific, others got landed under the wharves, and for a long time after the floods had in a great measure subsided, numerous snakes were to be found about the wharves of San Francisco.”

“Most singular of all, however, was the fact that bay fishermen frequently caught fresh-water fish in the bay for from two to three months, the surface portion of entire waters of the Bay of San Francisco consisted of fresh water, to the depth of eighteen to twenty-four inches. Dr. W.O. Ayers gave to the California Academy eight varieties of fish so found.”

“The oysters placed on oyster-beds fattened and died; mussels became fresh and flavorless.”

“AT THE GOLDEN GATE, FOR NEARLY A FORTNIGHT, THE 143 STREAM ON THE SURFACE WAS CONTINUOUSLY FLOWING TOWARDS THE PACIFIC, COMPOSED ENTIRELY OF FRESH WATER, THE TIDE NOT AFFECTING THE SURFACE FLOW, AND THE WATER WAS BRACKISH AT THE FARALLONE ISLANDS.”

In confirmation of the statements made by Mr. Rowlandson in this book, published in 1863, the following may be of interest:

From the *Sacramento Union*, December 10, 1861.

“Another calamity has overtaken our City—a destructive flood—it came with the rapidity of a hurricane—in a few hours the whole City was under water—the damage has been great—thousands are houseless while hundreds are in second stories in this City of 15,000 inhabitants—many houses, two story high were swept and dashed to fragments on their way to Sutterville—at 10:00 o'clock, the water had receded two inches.”

From the *Sacramento Union*, December 24, 1861.

“The Sacramento River continued to rise during Tuesday night and is now three inches higher than the previous raise.

From the *Sacramento Union*, January 7, 1862.

“The Sierra on the East and the Coast Range on the west are covered with snow to the foothills. The Red Bluff steamer, which arrived yesterday, brings word that the snow at that point fell eight inches deep. In Yolo County, near the foothills, the snow is twelve inches deep. Four inches of rain fell in San Francisco between 12 o'clock Saturday night and 9 o'clock Monday morning.”

From the *Alta California*, January 12, 1862.

“Sacramento is again deluged and worse than ever; the flood was twenty inches higher than ever before—the entire City is under water and boats are used in an attempt to aid people—about 9 o'clock the deluge was at a standstill—rain fell in torrents and the wind blew almost a hurricane;—at 2 o'clock the water was again rising—the water came from the American River, but the height of the Sacramento prevented the water from running off, the latter stream was nearly 24 feet above low water mark.”

From the *Alta California*, January 18, 1862.

“For some days there has been no flood coming in through the Heads (Golden Gate) but the ebb continues during the entire twenty-four hours;—the immense amount of water coming down from

the interior being of less specific gravity of salt water, has entirely covered the surface of the harbor and continues to flow out to sea in an uninterrupted current. A rain gauge, accurately kept and registered by Dr. Snell of Sonora, Tuolumne County, shows that from the 11th day of November, 1861 to the fourteenth day of January, 1862, seventy-two inches of water fell at that place.”

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From the *Marysville Express*, January 18, 1862.

“The rain storm continued to pour down on Friday—persons who arrived yesterday from the mountains, inform us that they traveled all the day in a drenching warm rain, experiencing no cold or chilly effects, until they had passed the foothills and got on the plains back of Marysville; snow was two and a half feet deep at La Porte on Thursday and a second storm was coming down with great violence when our informants left, about 2 o'clock in the afternoon. When about eight miles below La Porte at Yankee's Nest, the storm changed to rain, the weather moderating considerably. The rain fell at Strawberry Valley, the New York House and all along the road from the former place to this City, during Thursday night and yesterday and it is a safe supposition that the rain storm extended to La Porte.”

From the *Alta California*, January 23, 1862.

“Referring to lives lost—This record must embrace white men alone, for Chinese have been lost by the hundreds. On the Yuba alone, there were fifty; in Placer County, one hundred and fifty; according to the *Courier*, intelligent Chinamen say the number of their countrymen destroyed in the State by the December floods alone was about 500.”

From the *Sacramento Union*, January 24, 1862.

“The members and attaches of the Legislature left Sacramento yesterday, with all the furniture and appointments appertaining to it, and took passage for San Francisco. The water continued to rise during Sunday night and until 3 o'clock yesterday morning. At that hour it was five inches above that of December 9th and within fifteen inches of January 10th.”

From the *Alta California*, January 25, 1862.

“The inundation of Stockton is complete—it is standing in the City over the highest grade, varying in depth from twelve to eighteen inches; the flood is attributed to the back water from the river with no show of a decrease. In Wells Fargo Express Company's office it was nineteen and one half inches deep at noon. The Webber House, which escaped previous flooding, has from ten to twelve inches on the ground floor. All the business houses on El Dorado Street, which escaped previous injury from the waters, are now accommodated with about a foot.”

(Note by the Author.)

In view of long later developments, Mr. Rowlandson was “born 70 years too soon”; his vision of impounding waters in the mountains has since been adopted by the State's Water Conservation proposed plans, covering the entire State. When Mr. Rowlandson made his suggestions of the possibility of “large ocean going steamers 145 navigating to Stockton and particularly Sacramento, he did not realize what detrimental effects hydraulic mining was later going to have on the Sacramento River and its tributaries; when he commented on the small levees, which were then begining to be constructed to reclaim some of the swamp lands, he never realized that eventually all the islands in the San Joaquin Valley and the vast overflow areas of the Sacramento Valley, would be reclaimed with massive levee systems, leaving only by-passes to carry excess flood waters of the rivers. When this flood of 1861-62 occurred, there were no levees in either of the two great valleys, the floods had an unobstructed flow to the ocean, while now, these areas are cluttered up with reclamation districts, the river channels have been filled with debis, Suisun and San Pablo bays are mud flats as compared with their original conditions; what effect these changes will have, when at some future time, the great floods of 1861-62 again occur (which some day they will), remains to be seen; engineers may make calming prognostications but only the flood itself will give the correct answer. I do not want to pose as an alarmist, but I am rather fearful of the correct answer. I will make this statement however, and this statement is as follows, THAT IF EVER A SUPER MAXIMUM FLOOD OCCURS IN THE FUTURE, GREAT ENOUGH TO DROWN OUT ALL THE SACRAMENTO AND SAN JOAQUIN VALLEYS, THAT AFTER THAT FLOOD HAS

SUBSIDED, IT WILL BE ASCERTAINED THAT THERE WERE TWO DRY SPOTS, AND THOSE TWO DRY SPOTS WERE MARYSVILLE AND THE SUTTER BUTTES.

I have put in a lifetime of effort to carry out that idea, as regards Marysville; it has taken much time, study and effort but with only two more additional improvements I have in mind for the Marysville levee system, which I hope to have completed before long, then when these additional improvements are completed, I will consider, in my judgement, that Marysville has a sufficiently strong and fool-proof levee system to make it immune to any future floods; a lifelong job will have been completed and I will be willing “to step out of the picture.” Proper care and necessary maintenance will of course be important and in another chapter I will make recommendations.

The following comparisons of rainfall records at Nevada City, between this flood of the winter of 1861-62 and the large flood of the winter of 1906-07 may be of interest.

In the winter of 1861-62, rainfall at Nevada City was a total of 115 inches.

In the winter of 1906-07, rainfall at Nevada City was a total of 67.93 inches.

On December 8, 1861, the rainfall at Nevada City in 24 hours was 6.00 inches.

The above are taken from the Nevada City *Transcript* files, a newspaper still being published in that City, and shows that, what we in late years, term “the great flood of 1907,” was really not to be compared with the greater floods of the winter of 1861-62 and that this latter flood was also exceeded at one time, if the Indian legends and Mr. Rowlandson's observations of “marks on trees” and “drift logs” are correct.

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CHAPTER LXIII

Flood of 1875

I WAS only nine years old when this flood occurred but I have a very vivid recollection of looking out of the second story of my father's home at 8th and D Streets, then close to the bank of the present lake and watching the rush of waters down that waterway, carrying with it some barns, small houses, several cows and particularly a side of a barn, with a lot of chickens on it, the roosters doing a lot of excited crowing. I remember also that as soon as the water had subsided from the first floor, leaving about two inches of muddy slime on the floors and carpets, that notwithstanding I had been cautioned not to go downstairs, my curiosity got the better of me and when I reached the lower floor, my feet slipped from under me and I rolled over into this slime and received a spanking for my disregard of instructions.

The levee at that time, took in a larger territory on the north and the west side of town; the two cemeteries at that time were enclosed in the levee and on the west, the levee then was on M Street, in place of K Street, as at present. The first break occurred where the levee crossed over the head of the slough inlet, just about two blocks north of our present County Hospital, and the old levee and this old break are still in evidence there today. After this break occurred, the water still rose until it ran over the entire levee crown. After the town was flooded, the levee on the south was cut at First and Orange Streets, to permit the flood waters to drain out of town. The east levee of town at that time was on Covillaud Street and did not include the territory where the Cheim airport is now situated.

The flood waters were heavily charged with hydraulic mining debris and for many years afterwards, a yellow line on various buildings showed how high the flood had reached but these marks have gradually been painted out or removed by the elements so that there are at present, only two places in town that I know of, which still show distinctly the yellow line of the flood height. One is the one story brick residence belonging to Charles P. Miles, situated at 723 B Street, where the water was 5 feet deep; the other, is the Raish one story brick residence, situated at 724 D Street, where the yellow mark is very distinct on the north wall of the house and where the water was 4 feet 9 inches deep. The flood was six inches deep on the floor of the Court House. On the low land areas, west of

F Street, the water was from ten to twelve feet deep (since then, all that area was filled and raised about five feet). At this flood the water reached 15 feet 2 inches on the D Street gauge.

Mayor Hawley immediately arranged for a Citizen's Relief Committee and an Executive Committee was appointed consisting of W. T. Ellis, J. H. Jewett, N. D. Rideout and A. J. Batchelder, with their headquarters at the W. T. Ellis store. The 147 Steamer *Flora* came up two days later from Sacramento, with Mayor Green and others, with a large supply of food stuffs; later, other steamers arrived from San Francisco with large donations of food stuffs, blankets, bedding, etc., which were badly wanted by hundreds of citizens; large cash donations were received from San Francisco banks and business houses. Only one life was lost in the flood but the property damage was very heavy. In the *Appeal*, under date of January 26th is given a list of the heavy losers by the flood, W. T. Ellis being at the head of the list with a loss of \$25,000 and an additional loss of \$20,000 for the firm of Trayner & Ellis, who were operating a flour mill situated at about F and 2nd streets. This mill was never operated again and in later years my father told me his loss from the flood was about \$45,000. As soon as the waters had receded from D Street, the first business houses to open for business were the saloons and they did a thriving business; my father "took that day off," going from saloon to saloon, treating the crowds in each saloon; that is the first and only time I ever heard of him "taking the count" from liquor; the next day he got busy on relief matters and at the same time, having a large number of men at work cleaning out the damaged goods in the store.

After the flood everyone conceded that before another winter season arrived, something should be done to protect the City against a possible flood the next winter.

The City Council engaged an engineer to make a survey and suggest a plan for a new location, particularly on the west and north side of the City and to take in more territory on the east. This was done, the new levee on the west being located on K Street in place of on M Street as formerly.

On March 15th the City Council adopted the new location and on March 18th, bids for doing the work were advertised for. On April 26th, bids were opened on sixteen sections of the proposed work, the bids on different sections varying from 14 1/2c to 35c per cubic yard, and the total of

the lowest bids was \$68,751.05. The successful bidders were A. J. Binney, E. Parrish, William Hilderbrand, James Trayner, Jacob Schimpf, William Elliott and McGrath & Maguire.

The large brick culvert, to be under the new levee at E and 15th Streets was let to James B. McDonald. The successful bidders were notified that they would have to accept scrip in payment until such time as money could be obtained by taxes. Other work followed and before the end of that year, there was expended \$97,860.66 on the main seven miles of City levee and an additional \$10,361.25 on the Browns Valley Grade levee. I was only nine years old at that time but I remember that my father took a great interest in this levee work and almost every day he would drive out with his horse and buggy and watch progress and I almost always accompanied him on these trips.

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CHAPTER LXIV

Flood of 1881

AFTER the flood of 1875, there occurred a flood on March 6th, 1879 when the river reached 15 feet, 11 inches, or nine inches higher than the previous flood.

Again, on April 22nd, 1880, there was another flood with a still higher reading of 16 feet, 2 inches on the gauge. This was followed the following year with the 1881 flood which occurred on February 4th and when the river made a new and much higher mark of 18 feet, 2 inches on the gauge. A gopher hole in the levee, situated directly behind the old Greely home, in the curve of the levee at 6th and Yuba Streets, nearly resulted in a break in the levee. From Yuba Square, easterly for almost a mile, the water ran over the top of the levee in a thin sheet and hundreds of citizens worked hard to stop the overflow and succeeded; it was a narrow escape. This was a "double" flood because three days previous, the river had reached the 17 foot, 7 inch mark, it then fell about 18 inches, and a continuation of the storm, brought the river back to the higher mark of 18 feet, 2 inches. At that time, there was a graveled road on the top of this levee, from Yuba Square to its intersection with 12th Street; that season, the levee was raised on top of this elevated road to 12th

Street and from there easterly, a slab and higher levee were constructed from 12th Street to the east City limits, and beyond.

That year and the next following four years, \$149,947.34 was expended on various portions of the City's levee system for improvements.

CHAPTER LXV

Flood of 1904

I HAD been President of the Levee Commission for four years when this flood reached here on February 25th, and made another new high water mark at midnight of 20 feet on the gauge; this was also a “double flood,” and when I use the term “double flood,” I mean that there were two heavy storms in the mountains, a few days apart, producing two river peaks, also a few days apart; for example, the following will demonstrate two peaks, one on February 16th and the other, a higher peak on February 25th.

GAUGE READINGS, D STREET BRIDGE, IN 1904

February 16th, 18 ft. 6 in. (first peak).

February 17th, 18 ft. 4 in.

February 18th, 16 ft. 4 in.

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February 19th, 14 ft. 8 in.

February 20th, 13 ft. 10 in.

February 21st, 13 ft. 4 in.

February 22nd, 15 ft. 0 in.

February 23rd, 19 ft. 0 in. (second raise commences).

February 24th, 18 ft. 3 in.

February 25th, 20 ft. 0 in. (second peak, midnight).

February 26th, 19 ft. 0 in.

February 27th, 18 ft. 6 in.

About 11:00 P.M. of the 25th, our levee foreman reported that apparently the flood would reach the crown of the levee, about two miles east of the present airport; we immediately obtained several teams with wagons, helped ourselves to lumber at the Union Lumber Company yard, and with a lot of sacks, shovels, stakes and men, within about a couple of hours, had raised the levee about sixteen inches for a distance of about 1500 feet, with boards, set on edge and backed up with stakes and bags of earth; the water finally reached about six inches on these boards at that low place. There was no excitement as no one knew what was or had been done until the following morning, by which time the flood had commenced to subside. That summer, the Levee Commission decided to raise about six miles of this levee, making it four feet higher. We had plans and estimates made, advertised for bids and were disappointed in receiving no bids. At that time, there were two contractors in town who did levee construction; they "got their heads together," believing that if they did not put in a bid we would come to them and say "please help us out" and get a high figure. I did go to them, as they expected and they wanted 60c per cubic yard; I told them it was a "hold up"; they asked "well what are you going to do about it"; I replied that I would ask the Commission to let me do the work by day labor. One of them said, "Young Bill, you are going to learn a hell of a lot, if you do." On June 7th, at a meeting of the Commission, a Resolution was adopted, "that W. T. Ellis, Jr., was authorized to have the work done by day labor or otherwise as he might deem fit." I first took the matter up with the Board of Supervisors and obtained a donation of \$5,000 as the proposed work would be a protection to the County road. There happened to be an outside contracting firm named Carney Bros. near here, who were in financial troubles; I arranged to lease

from them a lot of their mules, scrapers and other equipment, purchased a lot of new scrapers, hired more horses, set up a camp, after I had arranged for material for the levee from adjacent land owners, paying them \$100 per acre for the use of the land, the soil being only three or four feet deep to the hardpan, the land was practically worthless after we had finished with it. Not wanting to be bothered with the cookhouse, tent and equipment (which we also leased from Carney Bros.) I arranged with I.M. Kemp, wife and daughter to run same, paying them a total salary of \$110 per month, with a promised bonus of \$15 per month, if they kept the cost of the meals per 150 man, 59¢ per day. They earned this bonus, when the work was finished a few months later, when it was ascertained that the cost of the meals was \$.438 per day. Regular laborers were paid \$1.50 to \$1.85 per day and dumpers, loaders being paid from \$1.75 to \$2.10 per day, board and lodging being furnished free. Horses were hired at the rate of 50¢ for such days as they were worked; our records showed that a horse averaged 18 3/4 pounds of rolled barley and 30 pounds of hay, the total cost for the feeding and care of a horse being 37¢ per day.

I wanted a foreman, and at that time, there was a man named Obe Lebourveau, who had a lot of experience in that line but who was then working as foreman in the gas plant of the P.G. & E. Co. I obtained permission of that Company to let him have a "vacation" and work for me, with the promise that he would have his job back when our levee work was completed. They agreed and Lebourveau took the job, being paid \$4 per day plus his board and lodging. For a timekeeper, I employed S. L. Williams, he being paid \$60 per month, plus his board and lodging. When the job was completed, we had expended the following:

32 new scrapers, \$1,382.22

Construction and repairs, 916.59

Boarding house account, 3,192.93

Horse feed, 3,457.40

Labor account, 11,764.63

Horse hire account, 4,038.38

Plow rent account, 77.75

Scraper rent account, 37.24

Rent of camp outfit, 255.00

Rent of wagons, 13.00

Surveying, by W. F. Peck, 102.25

Land purchased, 2,336.92

Sundries a/c, 12.80

Additional work afterwards, on old Citizen's levee, labor, board, etc. etc. 1,132.50

Total \$28,719.71

The work was performed in three sections, making necessary the moving of the camp site.

First section was about two miles east of east boundary of town.

Second section was at east boundary of town.

Third section was back of the old Buckeye Mill, on Yuba Street.

First section cost, \$.409 per cubic yard.

Second section cost, \$.253 per cubic yard.

Third section cost, \$.343 per cubic yard.

About seventy-five per cent of the material was obtained on the land side of the levee, the haul, crossing the county road and dumping the material on the top and water side of the levee was about 500 feet, making about 1000 feet for each load, which was moved with Fresno scrapers, with four horses and one driver. The climb up to and over the road and to the top of the levee being about 17 feet, it was slow and tiresome work on both men and horses and, unfortunately, it happened to be a particularly hot summer. I put in most of my time, watching the job and to prevent loitering, and “Young Bill” had the laugh on the two contractors who had tried to “stand us up”; they never tried it on us again; it was the first and last time I ever ran actual construction work on a levee.

How different is such work done these days with heavy machinery, a diesel engine caterpillar, drawing a Le Tourneau scraper, hauling 24 cubic yards at a load, with only one man as driver. Where one man is now employed, we used to employ about twenty. The development of machinery to reduce costs and save labor resulted in the loss of lots of employment; on the other hand, it is claimed that the perfection of machinery, makes possible a larger output of products and in that way, makes for more employment; it is a debatable subject but in any event, no one can prevent or stand in the way of “progress.”

CHAPTER LXVI

Flood of 1907

SOME YEARS previous to the flood of 1904, I had established a gauge on the Yuba River at Alabama Bar, where a man by the name of A. L. Peterson had been living for quite a number of years in a small cabin. A telephone was placed at his cabin and a private line run up the mountain to Clipper, about two miles distant, to the store operated there by W. J. Schultz. A gauge was erected at Alabama Bar and when previous floods occurred, we had arranged to pay Peterson to telephone the gauge readings every two hours to Mr. Schultz and the latter would relay this information to my office over the main phone line. This gave us about twenty-four hours advance notice what we *might* expect here or about twelve hours advance notice, when the water was at a standstill at Alabama Bar, what we were quite *sure* to expect here at Marysville.

I also had established a gauge in the backyard of the Rideout Bank at Oroville, at the river bank, and my friend L. L. Green, cashier of the Bank always kept me advised by phone of gauge readings. For several years, I had kept records of all flood readings on these gauges of both large and small floods and so had established a fairly good system of data as to what might be expected here at Marysville, in advance of the flood peak.

We really had two floods, forty-five days apart, in 1907. The first storm commenced on January 23rd and it rained steadily to February 3rd; the rivers commenced to rise rapidly on January 31st, the gauge here indicating again a new high water mark of 22 feet 3 inches at midnight of February 1st and remained at that height 'till 2:00 P.M. of the following day, when the rivers began falling. As far as Marysville was concerned, there was no cause for alarm.

The second storm commenced on March 4th and it rained until the 24th with the exception of five days; there were heavy snows in the mountains and snow covered the entire valley; the weather moderated and the river, which had been registering about 13 feet for twelve days, commenced to rise quite rapidly. I was constantly getting reports from Alabama Bar and Oroville and when Alabama Bar phoned in that the river was on a rampage and showed signs of exceeding all previous high water marks, having then reached previous high water mark and still rapidly rising, I immediately had a conference with my father and J. C. White, the two other Levee Commissioners and recommended that all the low portion of the Yuba River levee, between the foot of B Street on the east, to the foot of J Street, be sacked. They agreed, gangs of men were immediately placed at work filling sacks of sand and earth, which were taken to the levee top and a double row of sacks, four sacks high in most places, were placed in position. The river at that time registered 19 feet (March 18th) but at 3:00 A.M. of the following day the Yuba reached the all high water mark of 23 feet 4 inches, and the river was at several places touching the second and third sacks of the row of sacks we had placed on the levee the day before. But what happened later on our north levee, was the extremely interesting thing.

For the Feather River, I had been depending on Mr. Green at Oroville for information; he was calling me on phone every two hours, letting me know the gauge reading; then he called up and

said a large log had come down the river and knocked over the gauge; still later on, he phoned that the water was still rising and it apparently was going to get in the Bank and he was going to open up the vault and get out documents, etc. and added, that he thought the river would soon be at a standstill; I heard no more from him and found out afterwards that a tree had blown down and put the telephone line out of commission. From the information I had received from him, I figured that the crest would be against our north levee at about 10:00 P.M. and about that time, the flood appeared to be rising very slowly; everything seemed safe, many citizens went to their homes and to bed. At 11:00 P.M. one of my men at the levee cabin at the County Hospital, phoned that the water had commenced to rise rapidly; believing that he was joking, I "called him down" and hung up the phone; a few minutes later the man in the levee cabin at the cemetery phoned me the same thing; I immediately called up the man in the cabin on the northwest levee to ascertain the truth and he said that he was just about to call me and let me know that the water was rising rapidly; I did not know then but ascertained afterwards, that the river had broken through the District No. 10 levees, the water soon filled the District, rushed southeasterly, overflowing the new back levee, just previously built by the Western Pacific Railroad, dumping the

FLOOD OF MARCH 19TH, 1907 OLD WOODEN BRIDGE AT D STREET, CROSSING YUBA RIVER FLOOD WATERS REACHED OVER FLOOR OF BRIDGE AND SACKS OF SAND WERE PLACED AS SHOWN TO PREVENT FLOTATION

FLOOD OF JANUARY 16TH, 1909 VIEW LOOKING NORTH FROM MARYSVILLE NORTH LEVEE. LAST TRAIN FROM OROVILLE, WITH WATER ABOUT ONE FOOT DEEP OVER RAILS WATER AFTERWARDS GOT NINE FEET HIGHER

153 railroad tracks off the embankment and the Honcut Creek had broken its levee on the east, these waters then flowing to the south to our north levee and endeavoring to escape via Simmerly Slough to the river again. I found afterwards also of the remarkably high average sustained flood discharge for over four days on the Feather River at Oroville and above, in fact, the "flood wave" of that flood in the Sacramento Valley was 200 miles in length, with a mean four day average discharge of 554,700 second feet.

Immediately upon receiving the news about the water on our north levee, and being satisfied that a great emergency existed, I turned to Mayor G. W. Hall, who had been staying by my side and said, "Bill, we have got to work fast and perhaps do some high handed things," to which he replied, "Go the limit and I'll back you." Besides the men we had patrolling the levees, I had in reserve in my office, about thirty men for an emergency and there were also several citizens and business men. These latter, I instructed to wake up citizens whom they thought would go out and work on the levee; I sent other men to hustle out workmen who would like a job and to come to my office at once; other men I sent to the livery stables and told them to have livery rigs sent to my office; I got in touch with the Sheriff and when he told me he had about fifteen petty offenders in the County Jail, I told him I would send rigs to the jail and take these men to the north levee, which he agreed to do. My father always kept on hand, for just such an emergency, several thousand new grain bags; these I had loaded on wagons and sent to the levee. In about three hours, there were several hundred men on that levee, a great many of them being business men, clerks, etc. and they certainly did wonderful work.

I remained in my office, directing operations and receiving reports; at 5:00 A.M. my man in the cabin on the Yuba River levee, about two miles east of town, reported that the river had fallen two inches; at 5:30 A.M. a phone call from the cabin at the Catholic cemetery reported the water on the north levee at a standstill. I had a team of horses and buckboard waiting at my office with a driver; I then had him drive me to the south end of the north levee at the Browns Valley grade and directed him to drive over to the County Hospital and wait there for me; I then started to walk the entire north levee, a distance of about three miles, over which the water had been running for that entire distance. As I walked along, to encourage the workers, I kept calling out, "Stay with her boys, the Yuba River had dropped two feet upstream from town"; well, I was lying to the extent of about 22 inches, but it had the desired effect; many would give a whoop and a cheer and work all the harder. When I reached the north end of E Street, from there on to the Hospital and beyond, the levee was about two to six inches below the flood plane. There I met our foreman, Mike Long, who had all night been walking the levee, showing the men how to sack earth, place boards on end, back same with bags, and see that they did the work properly. Mike and myself had been "on the job" for

three days and two nights; Mike said, “Mr. Ellis I feel that we have the old river licked,” to which I replied, “I think we have Mike, and if the people will just let me hold my job, I will see that this never occurs again, but it will cost them something.” We then drove back to my office in our waiting rig, where the man I had left in my place at the office had some cheerful messages he had received in my absence.

Many people claimed afterwards that the breaks on the Sutter County side had saved Marysville, but such was not the case; I always made it my business to get full information of such things and my records show as follows;—

March 19th—River standstill on our north levee 5:00 A.M.

March 19th—Shanghai Bend Break, Sutter County, 2:00 A.M.

March 19th—Starr Bend Break, Sutter County, 7:00 A.M.

March 19th—Berg Ranch Break, Sutter County, 11:00 A.M.

March 19th—McGuire Bend Break, Sutter County, 10:00 A.M.

March 19th—Hock Farm Break, Sutter County, 10:00 A.M.

This information I obtained afterwards, talking with various men who had worked on the levees at those places. With the exception of the break at Shanghai Bend, which did not release much water for several hours, all of these breaks occurred after 5:00 A.M. when this flood had reached its crest on our north levee.

SOME INCIDENTS OF THE FLOOD

The fifteen odd prisoners, whom the Sheriff took out to the levee, did good work and when danger was over, they “forgot” to return to jail, no doubt presuming they had earned a release, which they had.

Three men, whom I sent to Kimball's Stable on C Street to obtain three large “carryalls” and other livery rigs, phoned me that Kimball would not let them have the rigs; that he said he was hitching up everything and was going to take all of them to Browns Valley. I asked the man who phoned me, how many men Kimball had there; he replied only one man besides Kimball, but that Kimball said he was going to get more drivers; I told him to tell Kimball that he and the other two men would punch both Kimball and his hostler on the jaw if he refused to let them take the rigs; it had the desired effect, we got the rigs. Several days later, Kimball called and said he had no complaint to make for what I had done, but was mighty mad at the time.

One of the best workers on the levee that night, was a slightly built young Englishman, named Farrant, who worked in the Northern California Bank of Savings. To look at him, one would think he would have been unable to do any hard work whatever, but he worked steadily all night, filling and handling heavy bags of earth as if he was used to that sort of work. This is in no way in disparagement to many other citizens who did work, which they were unaccustomed to and all of whom took no pay for their services, after the flood was over.

Both the newly constructed Western Pacific and Sacramento Northern Railroad Companies suffered severe damage to their newly constructed earth embankments; Mr. Emery Oliver, Division Engineer of the Western Pacific said, “Well both 155 railroads, each have about fifty miles of right of way left any way.”

A certain high county official on horseback, was investigating conditions about the levee when the water was at its highest; at one place on the north levee, where the railroad tracks crossed the levee near the Catholic cemetery, some sacking had been done, and he noticed some water trickling between the sacks, which is not unusual and not dangerous; he considered otherwise and immediately started to town on a “Paul Revere” ride, riding down the main streets and shouting that the levee had broken. It created great excitement and consternation and for a short time, my office was swamped with telephone calls and we were kept busy denying the rumor and quieting citizens, many of whom, living in two story houses immediately commenced to move some of their effects to the second story, while others, in one story houses were frantic. The local newspaper the

following day, without mention of name, certainly “paid its respects” to this gentleman for his error in judgment.

The next day, when danger was over, the hired help on the levee had to be paid; I went to the Decker-Jewett Bank and borrowed \$5,000 in five dollar gold pieces and assorted silver and took it to my office at D and First Streets; with the assistance of the police, a line was formed on the sidewalk reaching one block to the Western Hotel. The emergency had arisen so suddenly, no timekeeper was provided, we had no idea what men had worked on the levee and realized that attempts to impose upon us would be made. One of our hard workers that night on the levee was Scott Hendricks, son-in-law of W. P. Hammon; Scott was a personal friend and I told him I had another and easier job for him; I gave him a time book and told him, that as each man came in for his pay, to ask him his name, look in the time book, pretend to find his name, ask him how many hours he had worked, agree on the amount due and we would pay and take his receipt. I had a man go along the line and notify those in line, that we had their names and time and for them to figure up in advance how much was due them, to save time when they reached my office. This caused quite a number to drop out of line; they were of a type who did not have enough “savvy” to realize that we had had no way to have obtained either their names or their time. It took quite a long time to pay them off, several we recognized as “repeaters” who had been paid off and then got back in the line again, so I had two other citizens to watch their faces and try to remember them as they filed by.

One large merchant, who did not go on the levee but hired men to help him raise his goods to his top shelving, etc. (which would have done no good), was watching the pay-off proceedings; he said to me, “Don't you think that is a pretty loose way of doing business?” I told him, that it was, but that I would rather have some few men paid for services which perhaps they had not rendered, than to take a chance of having some man or men “hold a grudge against the Marysville Levee, because they *had* worked and *had not* been paid.” I then said also, “Now Mr. —, let me tell you something and it is this; the night the water was running over the levee and it looked as if the City 156 was going to be flooded, lives lost and perhaps a million dollars of property damage, if I had come to you and said, Mr.—if you will give me \$5,000 I will guarantee that the levee will not fail and your

merchandise not damaged, I am quite sure you would have given me the \$5,000 yourself for that guarantee, so don't you complain; you have lost nothing and the total cost to the City will be about \$5,000." He apologized and said he hoped I would forget what he had said.

When we had finished paying off the labor and later on for the supplies, we had largely without permission "helped ourselves to," the cost was as follows:

 Laboring men, \$2,073.25

 Northern Electric Co.—Greek Labor 296.10

 Hong Wo Co.—Chinese Labor 72.50

 Livery hire, 250.50

 Shovels, lanterns, etc. 649.23

 Lunches, coffee, etc. 292.75

 Sacks, 418.96

 Telephone messages, 31.60

 Total 4,084.89

A number of merchants, who furnished supplies, were so thankful they declined to render bills; if we had paid for those items, also the many citizens who gave their services for nothing, the total cost might have been double the above amount. I thought the City had gotten off mighty cheap and the Levee Commissioners were well satisfied; both the Western Pacific and the Southern Pacific Railroad Companies, had trains of cars, loaded with sacks of sand and placed at my disposal. They did valuable work; and made no charge for such services.

Had it not been for the advance information I received from our gauge at Alabama Bar, we would not have sacked the Yuba River levee and the City would have been flooded. As it was, the City had an awful narrow escape on its north levee that night, because of the failure of a telephone line which prevented me getting exact information in advance from Oroville. Since then, more gauges have been established not only around the City itself, but higher up on the rivers, such as at Colgate and Goodyear Bar on the Yuba River and Los Plumas Power House, Los Plumas intake, as well as at Oroville, on the Feather River. With increased telephone lines, giving practically uninterrupted service, such as we had in the 1928 flood, when with practically hourly reports, which I received for several days at that time, I knew exactly what was occurring at exactly twenty-five different places on the various rivers and "forewarned is forearmed."

GETTING READY FOR THE COMING FLOOD OF JANUARY 16TH, 1909 LOADING SACKS OF SAND TO FLAT CARS TO BE USED IN CASE OF ANY EMERGENCY AT CRITICAL PLACES PICTURES TAKEN AT THE PLAZA FOOT OF HIGH STREET, MARYSVILLE

FLOOD OF MARCH 1907 LOOKING EAST ON MONTGOMERY STREET AT OROVILLE, AFTER THE FLOOD WATERS HAD SUBSIDED NOTE DEBRIS DEPOSITED ON BOTH SIDES OF THE STREET

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CHAPTER LXVII

FLOOD OF 1909

ON JANUARY 1ST, rains began. It was a wet month, raining every day that month except on the 3rd, 10th, 11th, 28th and 29th; in all, 8.39 inches of rain fell that month of January. After it commenced on the first of the month, the river rose from 8 feet 9 inches to 17 feet 2 inches on the gauge; in the next two days it fell to 11 feet 5 inches, then it commenced to rise each day for the next four days when on the 15th, the river had established another new high water mark of 24 feet on the D Street gauge, at 7:00 P.M. The following day it had dropped to 23 feet 3 inches, dropping

to 16 feet 7 inches on the 20th but the constant rains brought the river back to 18 feet 8 inches on the 18th, after which it gradually continued to fall until the rains ceased on the 27th, at which time the gauge indicated 13 feet 1 inch. There was not only a prolonged storm but a very prolonged average high water plane in the river.

The large amount of work performed on the levees in the two previous years had our levees in first class condition to care for the situation without any difficulty. The only place where the levees were a little low was the Yuba River levee from the foot of B Street, westerly to the foot of G Street, and as the tracks of the Western Pacific were located on top of this stretch of levee and there happened to be within the City limits two long trains of Oroville dredge tailing, I asked Mr. Emery Oliver, Division Engineer of the Western Pacific to have this material on their cars, unloaded on the side of their tracks. This was immediately done and relieved the anxiety of some people, although it was really unnecessary for our levee we knew was considerably higher than the levees on the south bank of the river and if the river continued to rise, those levees would be sure to fail and give us relief; this is what then happened. The Western Pacific Railroad Company again made no charges for their services or the material which they placed on the levee during the flood.

To the north, west and south of Marysville, the levees of other districts failed and the flood waters extended for miles in every direction, Marysville being an "oasis" in a "desert of waters."

That year and the year following, we continued our work of completing our plan which had been laid out after the 1907 flood and during 1909 and 1910 we expended \$60,425.25.

A few days after the flood had subsided, I wrote to Mr. Emery Oliver, Division Engineer of the Western Pacific Railroad at Oroville, thanking him and his Company for the very valuable assistance his train crews had given us in the recent flood and knowing that they had furnished about ten thousand bags of sand for the levee at various places, requested that he let us know what we owed for this material. We received the following reply:

Oroville, California.

February 2, 1909.

LEVEE COMMISSIONERS, CITY OF MARYSVILLE.

GENTLEMEN:

Relative to the work performed by this Company in and about Marysville at the time of the flood, I have been instructed by V. G. Bogue to make no charge for this service.

Yours respectfully,

EMERY OLIVER.

For the following nineteen years, there was only maintenance work performed on the levees, the annual expenditure being about \$3,000 per annum, until the flood of 1928 occurred, which will be told of in the next chapter.

CHAPTER LXVIII

FLOOD OF 1928

The peak of this flood reached here at 5:00 A.M. of March 27th, the gauge reading showing 24 feet, the same as it was in the 1909 flood. The Yuba River had a full maximum discharge but the Feather River did not have as great a discharge as in 1909 or 1907. There was absolutely no danger to any of our levee system but some of our citizens were again worried about the only remaining low stretch of our levee which was for about two blocks in length on each side of the north end of the D Street bridge and which had never been raised because of the difficulty of doing so. The railroad tracks were on the crown of the levee there and to raise the levee and the railroad tracks would have blockaded the street crossing to the bridge over these raised tracks, necessitating a change by

raising the north end of the bridge south of the railroad tracks and the street approach on the north side of the tracks.

When the river was high and still rising, I was asked many questions about the levee being so low there but I explained to them all that, if necessity required, we could easily raise this stretch of levee with bags of sand, with the assistance of the railroad company, but that this would not be necessary because if the river reached the 24-foot mark or possibly six inches more, that the levees on the opposite side of the river would be sure to fail as they were lower than our levees, not as strong and improperly cared for. This is exactly what happened, the levee on the opposite side broke near Alicia Station, in fact, there were several breaks in that area south of Marysville, and the Sutter County levee had a very narrow escape from breaking at Shanghai Bend, below Marysville. Later on that year, as it was then planned to raise and strengthen the levees on the south bank of the river, I had the situation taken care of at the foot of D Street, by having

THIS CONCRETE DAM, CONSTRUCTED WITH FEDERAL FUNDS, REACHED ACROSS THE YUBA RIVER ABOUT FOUR AND A HALF MILES UP-STREAM FROM DAGUERRE POINT DESTROYED BY THE FLOOD OF 1907

FLOOD OF MARCH 27TH, 1928 NEW CONCRETE BRIDGE ACROSS YUBA RIVER AT D STREET VIEW LOOKING NORTH TOWARDS MARYSVILLE

159 constructed a concrete wall four feet high, backed with earth, for the low levee section from about the foot of B Street on the east, to the foot of E Street on the west, the remaining low section to the west, I arranged with the Western Pacific Railroad to raise their tracks for about three blocks and so save future worry on the part of our people.

While the river reached high water mark, and we were prepared for any possible emergency which might arise, this flood gave me personally about the easiest time I had ever had at a flood period. Outside of staying at my office for two days and nights without sleep, receiving hourly reports from all our cabin watchmen on the levee and from outside points, there wasn't much to do except to answer questions from callers and answer telephone messages, not only from in town but the

surrounding country, which was always usual, the public generally knowing that our office was in close touch with the flood situation everywhere. For example, during this 1928 flood, I had 304 telephone calls in two days.

While we had no emergency conditions on the Marysville levee, I was able to render assistance to the levees of Districts No. 784 and No. 10. Just as an example of a gopher's activities and a very narrow escape, on March 25th, I was at home for lunch when I received a phone call from W. M. Connarn, who had a small ranch on the south side of the river, just east of the Southern Pacific Railroad; he informed me that there was a lot of water apparently seeping through the base of the levee and a small area of about an acre had been covered with water in an orchard and wanted to know if I thought it was dangerous; the flood was on its way down the river but the river was at that time seven feet below high water mark, (two days later it reached high water mark). I asked Connarn if the water was clear or muddy, stating that if the water was clear, there was no danger; he replied that the water was quite muddy and I told him to endeavor to get some men, sacks and shovels and I would come immediately. I immediately jumped in my automobile, picked up three men on the street, obtained some sacks and shovels and drove to the place. When I arrived, the gopher hole had enlarged until it was about three feet in diameter and water was rushing through the hole. A cattle guard on the track was nearby, we tore it up, slid it down the water side of the levee in front of the hole, then let down some sacks of earth in an attempt to check the flow of water; the attempt was a failure. The levee at this place had a side track on its crown, this track leading to the Dantoni orchard.

I instructed the men to do nothing more until the hole had enlarged sufficiently to let the upper portion of the embankment and railroad tracks collapse and that, as the river still was not very high, there might be sufficient of the levee material drop down to fill the hole above the river level, then to get busy and shovel more material on top from the opposite sides of the depression and that I would hasten to town for more help. They promised to do as instructed, I drove hastily to town, phoned Robert Watson, the Southern Pacific Company agent, to send men with sacks and shovels to the place 160 by hand car and when he informed me that they had a large gondola car, loaded with gravel in the yards which could be sent over by their yard engine, asked him to send that also.

I then rushed back to the scene of the trouble and just as I arrived the whole upper portion of the levee embankment collapsed into the hole, as I had expected, and fortunately filled the then very large hole, about six inches above the river level. The men sent out by the railroad arrived just about that time and all present commenced to shovel more material on top of the depression and when the large car of gravel arrived, that was dumped as close as possible, (the tracks having a sag of about three feet) and the gravel and more earth used to bring the levee up to its former height. It was about as narrow an escape from the effects of a gopher hole as I had ever witnessed.

The following day, a very weak spot developed on this same levee, just a short distance east of the south end of the D Street bridge and Halsey Dunning with a crew of men saved the situation at that point with bags of sand. I was busy with my own levee by that time. The following day, a tramp reported to the man at the Binney Junction Tower House (at the Catholic cemetery), that the railroad embankment was about to break at its junction with the southeast corner of Levee District No. 10 levee; the tower man relayed the message by phone to R. F. Watson at the Southern Pacific Company depot; Watson phoned me of their trouble stating that they had an engine and flat car ready and could I send them about fifteen men with sacks and shovels; I told him I would have them there in a half hour, which was done; they were rushed to the danger point and were successful in taking care of the very dangerous situation. We always keep prepared with plenty of sacks, shovels and men, IT PAYS.

CHAPTER LXIX

Presented with a Service Medal

ON APRIL 26, 1929 I attended a luncheon of the Marysville Exchange Club; I had been invited the day previously but declined, as I belong to no clubs and noon-time I prefer a very light meal and a thirty minute “siesta”; my father did this same thing for years and I have found that this short relaxation is beneficial. However, upon the insistence of a couple of my friends, I attended.

After the luncheon, Mr. Richard Belcher was introduced as the speaker and it gradually commenced to dawn on me that I was going to be the “target” for some reason; I soon found out and was

presented with a “service medal” by Mr. Belcher on behalf of the Club. The following day, an article appeared in the local paper as follows;—

“THE ELLIS MEDAL”

“Friday noon witnessed a form of community expression in Marysville, honoring a local citizen, which should go down in local history as one of the finest acts within the levee bounds.

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“On that occasion, under the conception and auspices of the Marysville Exchange club, a man of honored place in our midst acted as spokesman. His duty was to open up the way for the presentation of a mark of distinction. How well he handled his assignment is a matter of pride to his fellows.

“In words of simple force, born of knowledge of his subject, and free of embellishments, he set forth in graphic and colorful manner a swift-moving panorama of the City of Marysville from early times to the present day. This by way of pointing out the service rendered the community by a man whose boyhood experienced the flood of 1875.

“It was a story of devotion to public well being; of a contest with elemental forces and a battle successfully waged. It typified a nature born to overcome obstacles—it heralded a spirit which never surrendered.

This tribute so admirably voiced had that restraint necessary to fit the nature of the man it extolled. Unassuming at all times, in the safeguard of the City which gave him birth, it is fitting that the man honored should have the exposition of his work presented in harmony with his character.

“The Exchange Club has performed a distinct service to the community. In making articulate the gratitude of the City of Marysville to its most virile citizen it is honoring itself and restoring to public consciousness a proper appreciation of a forthright, upstanding man.”

Many people, to be “singled out” under such circumstances, are embarrassed; I know that I was; I do not remember just what kind of an acknowledgement I made to this very complimentary gesture on the part of the Club members. I hope it was befitting the occasion; I do know, however, that I was very appreciative and have always prized this token very highly.

CHAPTER LXX

A Contest with Henry Hazelbush

LONG BEFORE the white man ever came to California, at times of extreme floods, a large portion of the Feather River had escaped over its westerly bank for a distance of several miles at Hamilton Bend, about five miles down stream from Oroville. These escape waters would run in a southwesterly direction, north of the Buttes, then southerly down Butte Slough, thence into both the Sacramento River and into the large Sutter tule basin, until the latter was reclaimed and the Sutter By-pass constructed; and after that, these escape waters drained into the Sutter By-pass, again joining with the Feather River just below Nicolaus, thereby making a “detour” of about sixty miles in length.

In the flood of 1928, the usual large quantity of water escaped in this way and very extensive damage was done to a large prune orchard owned by Mr. Henry Hazelbush 162 and situated a short distance from where these waters escaped from the river. That fall it was reported to me that Mr. Hazelbush had commenced the construction of a levee to protect his property and close off a goodly portion of this overflow. I told these parties that they must be mistaken; that, under the Reclamation Board Act, no one was permitted to construct or change locations of any levees without the permission of the State Reclamation Board and, had such an application been applied for, I certainly would have been so advised. Under their assurance, however, that they had actually seen the levee work in progress, I made a trip to Hamilton Bend to investigate and much to my surprise, found work of levee building in progress. I immediately went to Sacramento and demanded that the work be stopped; and an order was issued to that effect. Later on, a hearing was held at which Mr. Hazelbush and myself appeared and it was then ascertained that Mr. Hazelbush did not know of the

restrictions on levee building, that he only desired to construct a short stretch of about 2000 feet of levee, just sufficient to stop the force of the current on his holdings but not to prevent overflow.

As Henry was a fine citizen and I had been well acquainted with him for many years, I relented and stated that if he would not have over 2000 feet of length of levee and construct it as he had planned, near the bank of the river on its upstream end, that I would make no objections. Such permission was then granted, in fact, the State assisted financially.

Mr. Hazelbush did not know (and does not know yet) that the reason why I “relented” was because I firmly believed that where he was building his levee, close to the bank of the river on a fine silt foundation and directly at the bend of the river, that when another extreme flood occurred, he would have no protection, as his levee was sure to fail. Conditions, however, have partly changed there since then. Quite a stretch of this levee is now largely a rock pile, thrown up by two gold dredgers and we are not entirely satisfied with that changed condition, even though the levees on both banks of the rivers have since been raised, presumably sufficiently to take this additional river water, as one dredge has encroached too close to the main river channel.

Previous to this disagreement with Mr. Hazelbush I had, in the latter part of 1928, employed Mr. E.A. Bailey, former Flood Control Engineer, to make a survey to arrive at an estimate of how much water escaped in the 1928 flood at Hamilton Bend and, on January 14th, 1929, I received his report and it was concluded at that time that there had been about 35,000 second feet of water so escape, which was about twenty-five per cent of the entire flow of the Feather River past Oroville.

The gold dredgers have about 800 acres to be dredged there for a distance of about three and a half miles. When this is completed, it is planned by the Engineers with state and federal funds to have a levee constructed still further down stream to about the Gridley bridge and so close off all the overflow. Had not the Sutter By-pass been changed to its present eastern location, thereby discharging about five-sixths of the 163 Sacramento, directly into the Feather River, in place of directly into the Yolo Basin, (which was a great mistake, in my opinion), our future flood plane would not be so high as it is expected to be in the future.

CHAPTER LXXI

The “Eccentric” Flood of 1937

THIS WAS a most extraordinary flood and remarkable for the following reasons:

1. It was the first flood of major proportions that ever occurred so early in the winter, the apex of this flood at Marysville being on December 11th; the only time a major flood had previously occurred early in the month of December was the first of the three floods which occurred in the winter of 1861-62 and this first flood of that winter occurred on December 9, 1861.
2. This flood in the Sacramento Valley was not even a “maximum” flood as to quantity of discharge from the entire valley as it was about 300,000 second feet at Rio Vista, as compared with the discharge of 600,000 second feet during the 1907 flood; in other words, the quantity of discharge was about one-half as great as the 1907 flood. Even the Yuba River which, during the 1928 flood, discharged 140,000 second feet of water, this time discharged only 110,000 second feet at the D Street bridge.
3. Notwithstanding the above fact, the Yuba River at Marysville was twenty inches higher than ever known before; as for the Yuba River at Goodyear Bar, the previous high water mark was 17 feet and this time it just reached the old high water mark of 17 feet at 3:00 P.M. on the 10th inst., then dropped to 13 feet at 10:00 P.M. and the following day, again raised to 17 feet at 9:00 A.M. and at 4:00 P.M. had dropped to 13 feet. There was a period of about one-half hour when the gauge there read 20 feet, but this occurred when the water, which was blocked at Downieville for a short time by the new State bridge, was released when the bridge gave way.
4. As for the Feather River, at Los Plumas Power House, the river was 12 feet below high water mark and at Oroville, the river was nine inches below high water mark.
5. As for the Sacramento River at Red Bluff, the river was 1.3 feet above high water mark while at Colusa, the river was 2.4 feet below high water mark; however, at Long Bridge (crossing the Sutter

By-pass), the water was 7 inches above high water mark; at Wadsworth pumping plant, the water was 3.7 feet above the 1927 high water mark; at the junction of the Tisdale and Sutter By-passes, the water was 3.6 feet above the previous record of February 24, 1927; at the Chandler pump, the water was 2.5 feet above the 1927 record; at District No. 1500 drainage pump, the water was 8 inches above the 1927 record and at Nicolaus, was 1.4 feet above the 1928 record high water mark.

6. At the Fremont Weir, where the mass of the water escapes into the Yolo By-pass, in 1928, the average depth over this weir was about 4.5 feet while this time, the depth 164 of the water over the weir was 5.0 feet deep on the west end and 4.3 feet deep on the east end.

7. The American River at Folsom was 2.9 feet below the high water mark of 1928 and the Sacramento River at the City of Sacramento was 20 inches below high water mark.

All the above is a series of “inconsistencies,” I might say, “paradoxes.” Why was this so? Why were there over fifty breaks in the river system up-stream from the mouth of the Feather River and no breaks to the south? Why were previous high water records exceeded in many places above the mouth of the Feather River and on the contrary, high water records were not reached below the mouth of the Feather River? Well, I will try and answer these questions, although some engineers will no doubt disagree with my conclusions.

1. When this storm commenced, there was practically no snow on the mountains, there were only some ten inches recorded at the Nordin Summit, so there was no snow pack to hold or retard the precipitation during the storm. In the flood of 1907, the great discharge of water was from the 5000 foot elevation down, and when that storm was over, there was a greater depth of snow at the summit than when the storm commenced but such was not the case this time; there was practically no snow on the summit and this “storm” was not a “storm,” it was a “cloudburst” for two days and more. Just for example, the following may be of interest:

The following is the recorded rainfall for two days, December 10th and 11th. (The following does *NOT* include the rainfall on the 9th and 12th insts., where in most cases, some precipitation also occurred.)

Precipitation.

Soda Springs 10.8 inches in two days.

Blue Canyon 8.55 inches in two days.

Pike City 8.78 inches in two days.

Scales 18.85 inches in two days.

Lake Spaulding 17.63 inches in two days.

Nevada City 8.67 inches in two days.

Clipper Mills 18.0 inches in two days.

Buck's Creek 12.92 inches in two days.

Mineral 14.13 inches in two days.

Near Sterling 15.58 inches in two days.

Delta 8.20 inches in two days.

Brush Creek 17.76 inches in two days.

If the above does not show a “two day cloudburst,” then I do not know what else to call it. I have been keeping records for many years and I have never known the Yuba and Feather Rivers to have the “first waters” of mountain discharge “reach” Marysville as fast as this one did; however, the

“first” arriving flood waters commenced to reach 165 Marysville in record time, the “peak” waters in the mountains made “peak” waters at Marysville in usual normal time; for example:

At Goodyear's Bar on the Yuba River, there were two peaks, eighteen hours apart; the first peak there was nineteen and a quarter hours, before peak at Marysville, while the second peak was thirteen and a quarter hours before peak at Marysville.

At Colgate Power House on the Yuba River, there were also two peaks; the first was twenty-eight hours and the second peak was eleven and three-quarter hours before peak at Marysville.

At Los Plumas Power House on the Feather River, there was only one peak and this occurred eighteen and a quarter hours before peak at Marysville.

As for flood heights at the above mentioned mountain places, the following is also of interest:

At Goodyear's Bar, the flood height was the same as in the 1928 flood, except for about one-half hour, when the highway bridge at Downieville failed and released the dammed up waters above that bridge, causing an excess raise of three feet for a half hour.

At Colgate Power House, the flood height exceeded all previous readings by two and a half feet.

At Los Plumas, the flood height was eight inches below the 1928 record and twelve feet lower than the flood of 1907.

As for the Sacramento River, the flood crest passed Red Bluff on Saturday night (11th), reached Colusa Monday, Sacramento City Tuesday, the short but high “wave” had “flattened out” and passed on to San Francisco Bay without much incident. Had there been a four day good high average of sustained flood height in the mountain regions, such as occurred in 1907, it would probably have been a repetition of what occurred in one of the three floods of the winter of 1861-62, in which case, the area, south of the mouth of the Feather River would have had a different “story” to tell. As it was, there was practically little loss south of Fremont Weir, while above same, there was an estimated loss of \$14,000,000.00 because of some 50 breaks and

overflow in various unprotected areas. Being more particularly interested in the Yuba and Feather Rivers, the question arises in my mind: Why was the Feather River, from its mouth and up-stream on the Yuba River for some distance of one-half mile above Marysville and up-stream on the Feather River, for some distance above Yuba City, all above previous high water marks? There are several answers but there are two main reasons in my opinion; one was the location of the Sutter By-pass, which was constructed on the eastern location in place of the central location, with a consequent higher flood plane of about 4 feet, as explained in a previous chapter. The other main reason, was the height of the Fremont Weir which, as also explained in a previous chapter, has its crest three and a half feet higher than the bottom of the Sutter By-pass, twenty-four miles upstream.

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The Sutter By-pass, where now located, is of course a “fixture” and cannot now be changed but as for the Fremont Weir, the greater portion of it, about its center, could be and, in my opinion, should be, “chiseled down” to the same height as the floor of the Sutter By-pass, which is 30 foot elevation. Wild Irishman Bend, which was very sharp and long, having the shape of a long letter “V,” pointing directly into the Yolo Basin, was a natural inlet into that basin and with the ground level on its banks at about elevation 25, or about five feet lower than the floor of the Sutter By-pass on the opposite side of the river channel; flood waters had no difficulty in discharging into the Yolo Basin. Such is not now the case, since the construction of the Fremont Weir. This weir was constructed at elevation 33.5 by the Federal Engineers with the idea of keeping flood waters at what was considered a safe height to reclamation, at the same time keeping as much water as possible in the river itself to induce scour, in the interest of navigation.

However, I believe that this recent flood has demonstrated that there is too much obstruction to the proper flow of flood waters into the Yolo Basin and a large portion of the weir should be cut down to elevation 30 foot, particularly now, that the Shasta Dam, when completed will release sufficient water during the summer months, which will result in good higher stages in the Sacramento River and permit of easy navigation during the summer months to Red Bluff and particularly from Chico Landing, down to the mouth of the Sacramento River.

During this last flood, the waters of the Bear, Yuba and Feather Rivers, backed up-stream in the Sutter Bypass, not only to the foot of the Tisdale Weir on the Sacramento River, but also backed up the main by-pass upstream to as far as Long Bridge, just west of Sutter City; then, later on, when the peak of the Sacramento River arrived and five-sixths of its volume was discharged into the Sutter By-pass, it had to “reverse” the flow of the water in the Sutter By-pass, practically flowing on top of an elevated “water plateau” in the by-pass, on its way to the Fremont Weir, thereby causing an excessive height in the Feather River which was “reflected” back to above Marysville and Yuba City for some distance.

As for some incidents of the flood, it was extremely unfortunate that District No. 10's levee failed, because of claimed faulty construction at one place; that levee was about four and a half feet above the peak of the flood. It was also unfortunate that District No. 784's levees failed in four different places, as those levees were well above the flood height but some material, which had been used in recently raising and strengthening those levees, turned out to be unsuitable and deflected currents, caused by trees and other obstructions, and some other matters, caused these failures. The north levee of District No. 784 on the Yuba River, just east of the Southern Pacific had an exceedingly narrow escape as that section of levee had not as yet been raised to standard height and cross-section, the flood reaching at some places to the top of the levee and several “sand boils” occurred, all of which required about 5000 bags of sand to prevent a 167 break. Knowing of the situation there, I had the day previous warned Mr. Donald Bull, a large land owner, to be prepared and he had heeded my warning and with several thousand bags of sand, saved a very critical situation.

On the Sutter County side, a gopher or squirrel hole caused a very serious situation for a while at the Sultzberger Ranch in District No. 9; at Yuba City the flood reached the top of their levee in some places, necessitating a row of sand bags; at Shanghai Bend, the water was above the top of the levee and rows of sand bags, several sacks high, prevented a break. The river was still rising at this point, when District No. 784 levees broke on the Yuba County side, otherwise, a large portion of the District No. 1 would have been flooded.

As for Marysville, our lowest levee section was on the Yuba River, just west of the D Street bridge, but the concrete levee wall would have withstood another four and a half foot raise; as for our levees on K Street, they were four to five feet higher than the Sutter County side.

In 1907, our levee from the Jewish cemetery southerly to the D Street bridge had been raised by the Railroad Company with dredge material brought from Oroville; it had cost us nothing except for a franchise to the Railroad Company; we had considered the material good for the crown raise. In 1928, however, we had discovered a seepage through this top material at the foot of Willow Street, notwithstanding that the crown of the levee there was about one hundred feet in width. Since then, we have been obtaining State and Federal funds and have completed an earth "slab" on the levee down to about 6th and K Streets, the levee, with this slab, in many places being raised an additional four feet, to bring all this stretch to a uniform height, when this last flood occurred, and where the work was incomplete, on the north 5th Street subway wall, also for about 2000 feet of the Yuba River levee, westerly from the D Street bridge. As a result of this work being incomplete, there were seepages at the north subway wall, also at the foot of Willow and E Streets, because of the additional flood height. This seepage was not through the old original levee, but over its old crown and through the mass of dredge material on top of and on both sides of the old levee core. It was not dangerous but "did not look nice" and as the citizens became alarmed, we slabbed these places with about 5000 bags of sand; as soon as the river dropped eighteen inches, this seepage entirely stopped. Our previous contemplated plans for caring for these places by raising the "slabbing" will be performed this coming summer and so prevent similar occurrences and at the same time, increasing the levee height, the latter to an elevation higher than the levee systems on the opposite sides of both the Yuba and Feather Rivers, which it has been the policy of the Marysville Levee Commission to do, so as to always guarantee the safety of the City against any future floods.

A TORNADO

Shortly after this flood, on February 9, 1938, there occurred a seventy mile south 168 wind; my mercurial barometer dropped to 28.9 that afternoon at the height of the tornado. This tornado reached from San Francisco northerly through the Sacramento Valley with various intensities in

various portions of the Valley. Great damage was done to buildings, trees, etc., both in Cities and Country areas; nothing like it is of record in the State.

A meeting of the State Reclamation Board was called for on May 4, 1938 and the Marysville Levee Commission (and other interests) were requested to present their views in connection with recent flood conditions, so on behalf of our Levee Commission, I wrote the following letter

STATE RECLAMATION BOARD,

Sacramento, California.

GENTLEMEN:

In response to the invitation contained in your letter of April 29th, relative to the meeting to be held on May 4th, in the matter of complaints of certain land owners in the vicinity of Meridian, of damages caused by seepage waters of the Sacramento River, might we not state as follows: —

The Marysville Levee Commission has no direct interest of course in these complaints; we assume that they have been in connection with the heights of the new weirs which were constructed on the Sacramento River in the vicinity of Colusa and we realize, that with the unprecedented long sustained high flood plane in the Sacramento River in that area, during the last four months, heavy seepage conditions have naturally resulted which, plus the almost continuous rain precipitation, has resulted in such a high ground water table, particularly where orchards are established, that large areas of those orchards will be destroyed, as well as other products of the soil. These weirs were designed (as we understand it) to give proper relief to the river at high flood stages and the altitude of the crowns of these weirs (as we also understand it) were fixed, at such elevations, as in the best judgment of the engineers, would result in safe reclamation and at the same time, keep as much water in the rivers as possible, in the interests of navigation, and induce all possible scour. Another result, it was hoped to be accomplished, would be to enable the unreclaimed areas in the Butte Basin, to have a longer cropping season each year. If the weirs were lowered, no doubt but what, in extraordinary seasons, such as this one has been, it would materially assist in lowering the water

table in the ground and reducing the amount of seepage, however, the lowering of the crowns of these weirs, no doubt would bring objections on the part of the owners of the unreclaimed areas in the Butte Basin and also objections from the land owners, on the north side of the east levee of the Sutter By-pass and lying at or below the forty-five foot contour. It would appear that you gentlemen of the Reclamation Board have quite a difficult problem to solve. However, as previously stated, we have no direct interest in this Meridian area problem, but, now that you have given us an invitation to express our 169 views on this matter, might we not be permitted to give our views on some other matters, which however have not only a direct interest in this Meridian area problem, but, in our opinion, a very direct interest to the Feather River, up to and including the Cities of Marysville and Yuba City.

Many years ago and prior to the Reclamation of any portions of the large basin areas in the Sacramento Valley, these basins contained the following approximate areas;—

Colusa Basin 93,000 acres

Butte Basin 60,000 acres

Sutter Basin 116,000 acres

American Basin 53,400 acres

Sacramento Basin 32,300 acres

Yolo Basin 164,000 acres

A total of 518,700 acres, with a storage capacity of over four million acre feet of flood waters.

The commencement on the part of large financial interests, to reclaim certain portions of some of these basin areas, finally resulted in the adoption of the Flood Control plan, which was conceived by Captain Thomas H. Jackson of the California Debris Commission, with the idea of having an orderly and safe plan for reclamation and to also protect the “rights” and requirements of the rivers

themselves at flood periods and the Federal Government's interests in navigation. Previous to and since this Flood Control Plan has been adopted and now practically carried to completion, there has been reclaimed the following areas of the aforesaid basins, as follows;—

Colusa Basin 93,000 acres

Butte Basin none

Sutter Basin 91,995 acres

American Basin 53,400 acres

Sacramento Basin 32,300 acres

Yolo Basin 94,000 acres

A total of 364,695 acres

Before all these areas were reclaimed, the flood waters used to “hesitate” at these various basins and filled each in turn “with a good big drink” of water, then continued onward in their course and finally discharge into the bays below; these immense basins acted then as large “equalizing reservoirs” and there were no obstructions in the way then of flood waters on their way to the sea. Now that this reclamation has been accomplished, in place of these flood waters having great widths with comparatively low altitude flood planes and traveling by “slow freight,” these flood waters are forced to travel by “fast express” through artificial by-passes to the bays below, with quite 170 natural and to be expected, higher altitude flood planes. Before all this reclamation, these flood waters, as just stated, had great widths, at the latitude of the present Tisdale By-pass, this overflow area was over twenty miles in width; at the latitude of the mouth of the Feather River, the overflow area was about seven miles in width, while now, at the latter location, all the flood waters, north of the mouth of the Feather River have only two ways of escape, one being down the Sacramento River itself, commencing at the mouth of the Feather River, and the capacity of the Sacramento River there to the City of Sacramento is only some 107,000 second feet or about twice

that small creek, known as Bear River, all the balance of the flood waters, from the Yuba, Bear, Feather and Sacramento Rivers has to escape into the Yolo Basin By-pass, over the Fremont Weir, or about one-fifth the width as formerly.

The estimated flood discharge from these four rivers, above the mouth of the Feather River is 450,000 second feet, of which, only some 107,000 second feet can escape down the main Sacramento River itself, all the balance, or 343,000 second feet is forced to escape over the top of the Fremont concrete Weir which is only some 9200 feet long and the crest of that weir is at elevation 33.5 or three and a half feet higher than the bottom of the Sutter By-pass, for some twenty-four miles upstream, as that by-pass follows the thirty foot contour.

Now what happened during last December flood?

In the first place, this was *NOT* a maximum flood discharge in the Valley as a whole; for example, in 1907, the flood discharge at Rio Vista was about 600,000 second feet, while last December flood was about one-half that quantity, or some 300,000 second feet; notwithstanding this fact, between Marysville and Yuba City, the river was approximately two feet higher than ever known before, while at Los Plumas Power House on the Feather River above Oroville, the peak of the flood there was 12 feet below high water mark with no four day high sustained average, as in the flood of 1907.

Now what caused this extraordinary condition?

It was the result of a very heavy rainfall, of cloudburst character, reaching up to the summit of the mountains, where, at the Donner Summit, there was only some ten inches of snow on the ground; this heavy rainfall, of some sixteen to eighteen inches at places in forty-eight hours, with no snow pack to retard it, caused this discharge of water to reach the floor of the valley in the fastest time on record. When the combined waters of the Bear, Yuba and Feather Rivers reached the mouth of the Feather River and less than one-third of it could escape down the main Sacramento River, the balance, being unable to escape at once into the Yolo Basin, because of the height of the Fremont Weir, at the foot of the Sacramento River levee, but also upstream on the main Sutter By-pass to Long Bridge, near the south base of the Sutter Buttes, a distance of thirty miles upstream

from the Fremont Weir; then some thirty hours afterwards, the Sacramento River commenced to discharge into the Sutter By-pass, and had to reverse the flow in that by-pass for thirty miles. In other words, it had to commence to flow over an “elevated water plateau,” so that the peak of the flood waters, in thirty miles, from peak flow at Long Bridge to peak flow over the Fremont Weir (approximately 5 feet deep over that weir) the slope of the water in the Sutter By-pass for those thirty miles was only six and a half inches to the mile; this condition was reflected upstream on the Feather River to Marysville and Yuba City.

At the D Street bridge across the Yuba River at Marysville, the much greater discharge of flood waters in the flood of 1907 reached 22 feet 4 inches on the gauge there while last December flood reached 3 feet 4 inches higher, or 25 feet 8 inches, this, notwithstanding the fact, that the bed of the main Yuba River channel at that point had in the meantime, scoured approximately twelve feet since the flood of 1907. In twenty-four hours, after the Yuba River had reached its peak at this D Street bridge and the river had dropped two feet, the surface of the water in the river was very placid, with very little perceptible current.

WHY did all these new conditions exist as compared with the vastly greater discharge in the 1907 flood?

We may be wrong, but our conclusions are as follows;—

FIRST: The construction of the Sutter By-pass on the “eastern location” is one of the contributing factors. Locating that by-pass on the “eastern location” in place of the original “Jackson plan” on the “central location” as recommended by the California Debris Commission, made the eastern by-pass about four miles longer, raised the theoretical water plane about four feet higher than it would have been on the “central location” and dumped the entire flow of the Sacramento River into the Feather River (which was unfair to the latter river) in place of having all these Sacramento River flood waters discharged directly into the Yolo Basin. Of course, the construction of the Sutter By-pass on this “eastern location” is now an accomplished fact; it can not now, unfortunately, be changed.

SECOND: The construction of the Fremont Weir, with its crest, three and a half feet higher than the floor of the Sutter By-pass, was also, in our opinion, an error. Its length, is certainly short enough, and consequently its crest should not exceed 30 foot altitude elevation so as to be no higher than the floor of the Sutter By-pass at least as much as possible of its height cut down to the thirty foot elevation. We believe that a reconstruction of this weir, by reducing its crest height is necessary so as to afford the least possible obstruction to the escape of flood waters into the Yolo By-pass, and particularly to shorten the period of subsidence of flood waters in the Feather and Sacramento Rivers, also the Sutter By-pass, the delay of which this winter season will, we believe develop the fact, in the next two months, that twenty-five per-cent of the acreage planted to fruit trees in Yuba, Sutter and Colusa Counties will have been killed by excess water conditions, principally because of seepage, caused by the long sustained high average water planes in those three waterways, after the peak of the floods have passed. We consider this imperative also for the future safety of all the reclamation districts on both 172 the Feather and Sacramento Rivers which are north of this weir and, while we are on this subject, we believe that all those portions of the levees of the Sutter By-pass, which are exposed to the general prevailing southerly winds, at flood periods, should be protected against wave wash, which was very serious this last winter and certainly can not be permitted to continue. If we might be permitted to make a suggestion in this connection, we would recommend dredge material for this purpose, same as we placed on our Marysville levees thirty years ago and which, by experience, we have found to be wave proof, current proof and gopher proof.

Returning to the matter of the Fremont Weir, when this weir was constructed with its crest at elevation 33.5 feet, it was considered that it would still be low enough to afford safety to reclamation districts and at the same time, keep as much of the flow of the river, in the river as safely possible, to induce scour, in the interest of navigation. However, when the Shasta Dam is completed and some 6000 second feet or more of storage water is released every twenty-four hours in the Sacramento River, it is expected to give sufficient flow in the river during the summer months to give good navigation upstream on the Sacramento to at least Chico Landing and possibly to Red Bluff, so the reasons, which prompted the construction of this weir as it now is, will not

apply when the Shasta Dam is completed, so we very respectfully urge that a reconstruction of this weir be given a careful study and hope that it will be finally decided that the major portion of this weir's length should be lowered as we realize that the extreme westerly and easterly ends of this weir are at about ground level, however, it might be advisable to even lower some portions of those ends, even though it may be necessary to do some excavating of the ground surface below such places to permit of fullest possible operation of the weir's capacity to discharge.

Respectfully submitted,

MARYSVILLE LEVEE COMMISSION.

By W. T. ELLIS, General Manager.

Later on, I addressed another letter to the General Manager of the State Reclamation Board, as follows:

June 11, 1938.

COLONEL A. M. BARTON, General Manager

State Reclamation Board, Sacramento, California.

Dear Colonel Barton:

The experiences which the land owners have had during this last winter on the Sacramento River make it quite apparent that something will have to be done (if possible) to relieve the flood situation on that River not only to relieve the situation at peak flows 173 but also to relieve the long sustained high water level in the river, which has caused so much damage from seepage, as has been experienced during this last winter there. In the letter which I addressed to the State Reclamation Board under date of May 2nd I suggested the lowering of the Fremont Weir but even this would not entirely take care of the situation as occurred for several months during last winter when such a long sustained high flow was maintained in the river and the by-pass.

I have a suggestion to make which might possibly be of interest or in any event I am offering it for “whatever it may be worth” and you may possibly see fit to look into it and the suggestion is this;

The construction of a weir to be of the same type as the Sacramento By-pass Weir at Bryte's Bend, that is, a structure with gates which can be opened and closed. This structure would be built on the west side of the Sacramento River somewhere between Princeton and Butte City possibly a short distance above Princeton at about Packer Slough. This structure would be used only in case of extreme emergencies when there is a heavy discharge down the Sacramento River or in case of long continued high water planes in the river, same as last winter. The opening of these gates in this structure would be entirely in the charge of the Reclamation Board they to be sole judges as to when the gates should be opened.

Now as to the flood waters which would be discharged through this structure they would flow in a southwesterly direction along the natural drainage there (where drainage canals are already in existence) on the west side of Levee District No. 2, thence following the natural drainage on the west side of the Princeton Levee District into say Cheney Slough, thence to its connection with Hopkins Slough, thence into Powell Slough, thence into old Sycamore Slough, following along the west side of the west levee of the “Sacramento River West Side Levee District,” discharging into the Knights Landing Ridge Cut, thence into the Yolo Basin. This would be a distance of approximately 50 miles and, if I am not mistaken, where this structure would be built on the north would be at elevation of about 75 and the discharge end at the Knights Landing Ridge Cut would be at elevation 25; in other words, in the 50 miles of length there would be a fall of about one foot to the mile.

I have not been over this territory on this upper end for a number of years but if my memory serves me right, the greater portion of this area over which this water would be discharged is very poor land and damage to it would be practically nothing, in fact there might be some deposit of silt on the land surface which would be beneficial and off-set any possible damage or occasional inconvenience when the gates should ever be opened. I have talked with some of the people over

there and they are all of course at present “flood minded” and I am under the impression that there is a good possibility that flowage rights could be obtained from the land owners who would be mostly interested in this project at a comparatively little or possibly no expense. I do not know what such a structure as mentioned above would cost but of course it would be 174 considerable and it might be possible that on each side of the structure, leading westerly, side levees would have to be constructed, with good widths between them so as to guide the water flow in the proper direction and by having such proper widths and so reducing the depth of the water the possibility of any scour or cutting of the channels would be eliminated.

If a good portion of the river could be discharged in this way at peak periods, it would undoubtedly make the levees downstream from that point much safer and if no material damage or inconvenience is suffered by such overflow being permitted to continue, during periods of long sustained high flow in the river, it would undoubtedly assist greatly in reducing the seepage troubles.

Now this is only a thought which I have in mind and I believe from talks which I have had with some of those people in the interested area they might be very favorable, towards such a plan if it is feasible and as stated above I am offering it to you “for what it is worth” in view of the fact that the Federal Government has made available large sums of money for flood control, apparently monies would be available if such a plan was found feasible.

Very truly yours,

W. T. ELLIS.

CHAPTER LXXII

Criticisms of My Management

AFTER the flood of March 19th, 1907, and the narrow escape the City had from inundation, it was very apparent that the greater portion of the seven miles of levee system surrounding the

town would have to be raised and strengthened and that it was going to entail a heavy expense. We immediately commenced to make plans, having surveys made and estimates prepared, all of which took time. Bids were advertised for raising and widening all the north levee first, then other jobs were advertised and let, and I also entered into negotiations with the Western Pacific Railroad Co. for some work on the levee. The first contract on the north levee was let on April 23d, to Edward Malley of San Francisco, which meant that we had about five months left to complete all the projected work before the rainy season commenced. Of course, in those days heavy equipment and machinery were not used, levee work being done with horses or mules, scrapers, etc., and there were no local contractors with sufficient equipment to handle large jobs; in fact, no local contractors submitted bids on all the work. The work, not progressing as fast as was desired, to give some small local contractors an opportunity to obtain some work, some additional portions of the work were let out at agreed prices, without advertising, to save time. I wanted action and was also determined that the job should be completed before winter set in and to get results, I cut "red tape" and before long, had various jobs going at different places with scores of men 175 and horses at work. It soon dawned on various citizens that a lot of money was being expended and that it was going to mean a heavy tax burden; and then some of these parties, a number of them large taxpayers, called on me and wanted to know what the bill was going to be. I told them. They wanted to know why a bond issue had not been arranged for so as to spread out the cost burden for several years. I told them we could not afford the loss of time for a bond issue. They wanted to know if we were letting some contracts without advertising. I told them we were, so as to get every mule and man on the job we could, and so have the job completed before winter; also that I had a job to do and proposed to do it; that if they had any complaints to make, to make them to the other two Levee Commissioners, which they did, but they got nowhere with them. We expended \$79,248.43 that season which required a tax rate of \$3.25 for levee purposes, the total tax rate in the City that year being \$7.05 on every \$100.00 of assessed valuation. We also secured a donation of \$5000.00 from the County Board of Supervisors for the protection being given to county roads. The following winter we had no high waters; and the following season, not being entirely satisfied with what we had done and learning that the Western Pacific Railroad Co. was planning to level off a lot of dredge tailings at Oroville to make some freight yards, I went to San Francisco to see Mr. Bogue,

who was in charge of the construction of that railroad. Mr. Bogue admitted that they were planning to move a large quantity of dredge tailings to make space for freight yards and that this material would be loaded on long trains of flat cars by steam shovels and would be taken up the canyon and disposed of at some convenient places.

I asked him, and he also admitted, that they had no particular use for this material in the canyon, it was planned to dispose of it there, where it would be convenient to get rid of it. I then asked him, why not haul it down hill to Marysville and place same on our north levee and, while the haul might be a little longer, at the same time we would expect to pay him for the material, in view of the fact that his company had no franchise on that portion of the levee where we would like to have it, same being easterly of the Jewish cemetery, so that he would have to lay temporary tracks on the levee to enable the work to be performed. I explained that in the previous year, we had raised that section of levee four feet, with a three to one slope and all we wanted was to have the material dumped on the side of the levee and make its own slope, which would probably be one and a half to one. Mr. Bogue informed me that he would look into the matter and a few days later, his Division Engineer, Mr. Emery Oliver, came down from Oroville and we went over the levee section. Mr. Oliver was not impressed with the idea until he discovered that, if they did the work, their tracks could be extended a few hundred feet into the Yuba River bottom lands and they could obtain a large quantity of sand and gravel off a river bar, same to be used for temporary ballasting of their tracks up the canyon. Mr. Oliver made a favorable recommendation, a conference was had with Mr. Bogue, a price agreed upon at forty cents per cubic yard for material in 176 place, the levee to be raised an additional two feet. I had estimates made of the required yardage and a contract was made for a lump sum of \$5600 for the job. This was on March 15th, 1908. This appeared to be an advantageous arrangement to the City, as the price of forty cents was claimed to be the estimated actual cost, and the year previous the City of Sacramento had contracted with the Southern Pacific Co. to raise their north B Street levee in a similar manner, the price paid being one dollar per cubic yard.

While this work was being performed, I went out almost every day and met some of these work trains, always taking with me a box of cigars to distribute to the train crews, and occasionally

“kidded” them about the “skimpy” amount of material they were placing on the levee, which generally resulted in an additional train load of material at these “skimpy” places. When the job was completed, I estimated that we had obtained about ten per cent more material placed on the levee than we had paid for. In 1907, when Edward Malley had a contract for raising all the north levee, he also had a section which ran around the County Hospital buildings easterly to the Jewish cemetery. This job was contracted for \$14,000, but we induced Mr. Malley to relinquish the contract and we then had the Western Pacific Railroad Co. do this work for us for \$8,000, thereby saving the City \$6,000.

When this job was completed, the Railroad Company, for some months after, were hauling sand and gravel from the Yuba River bottom lands for ballast. We were so pleased with the work which had been done that we decided to endeavor to have similar work performed on the Yuba River levee, westerly to Yuba Square. Accordingly, we made such a request of Mr. Bogue, who referred the matter to Mr. Oliver, who came to Marysville and looked over the situation and told me he would have to make an adverse report, because there were no similar advantages to be obtained from this proposed work as were obtainable under the first job.

However, on September 1st, I received a letter from Mr. Oliver calling attention to the fact that the railroad franchise required that a steel bridge be constructed soon across 5th Street at the subway and asked if I thought it would be possible to arrange with the Levee Commission and City Council for an extension of time of eight years in which to build this steel bridge, as their plans for a freight and also passenger depot had not yet been decided upon and they would prefer to maintain the temporary wooden trestle until those plans were perfected. I replied to Mr. Oliver that he could expect to hear from me shortly in reply.

I at once took the matter up with the Mayor and Council, told them of the refusal of the railroad company, a few months previous, to improve our Yuba River levee with dredge tailings to be brought from Oroville, and recommended that the City authorities grant the requested extension of eight years in which to construct the new steel bridge, *PROVIDED*, that the railroad company do the work which had been asked for by the Levee Commission. The Council authorized me to send

this message to the Western Pacific; and, on September 8th, 1908, I received a letter, addressed to the 177 Levee Commission, in which Mr. Oliver stated “that he had to take his hat off to the Levee Commission in usually obtaining what they went after,” and that the suggested arrangement was satisfactory. The Levee Commission then entered into a contract with the railroad company on October 23d, to raise and widen a little over two miles of this levee for the sum of \$6000, same being based on a price of forty cents per cubic yard in place, and the Council granted the eight year extension of time for the steel structure. A right of way for curved track, to reach the crown of the levee alignment was donated by Mr. Martin Sullivan, tracks were laid and this new work commenced; and again I made judicious use of a few boxes of cigars for the train crews. When this work was completed, of the seven miles of levee surrounding the City, all had been so raised and “rip-rapped” with dredge material brought from Oroville, except three thousand feet on the A Street and Yuba Street levee and where the levee was too crooked to permit the laying of a railroad track.

When all this work was completed by the railroad company and their tracks had all been removed, the Commission employed teams and raised all this stretch of levee about another foot, by placing earth on all the crown of the levee, eight feet in width. We did this because the crown was very rough, as it consisted only of rough dredge material. This made all our levee system, easterly from the Jewish cemetery to the Yuba River levee, then westerly to Yuba Square, a full seven feet above high water and it was a fine job, done at a minimum of expense and there was not another levee in the State as well constructed. As a result, the other portion of the levee, westerly from the Jewish cemetery, around the Hospital, thence down K Street to the 5th Street subway suffered in comparison. This latter stretch had been raised by the Western Pacific, under the terms of their franchise, three feet above high water mark; they had complied with the terms of their contract, which also provided that, in case still higher water marks were made by the river, they would be compelled again to raise the levee, always keeping it at three feet above high water mark. We had made this agreement with them *BEFORE* the 1907 flood; had we known what the river could discharge, like it did in 1907, we would have insisted upon *MORE* than three feet. Having, however, experienced this 1907 flood, having since then raised all other portions of the levee where there was no railroad franchise, seven feet above high water mark, we were dissatisfied with the

three feet above high water mark, which the railroad company had raised the levee in conformity with their contract. If we wanted a further raise, we would have to pay for it. We wanted a further raise and we announced that we were going to pay for it. The work which we had been doing in the past year had caused “whisperings” and “quiet criticisms” but our announcement, that we proposed to raise this levee and pay the railroad for doing it, caused the “lid to be blown off” with loud criticism from several parties, particularly from a small newspaper, published in town at that time, called “The People's Cause,” owned and edited by the then Mayor of Marysville. This paper printed a long article, severely criticizing the Commission 178 for proposing to pay the railroad company for raising the levee, when the levee had already been raised three feet, the argument being to wait till another flood arrived and then have the railroad company raise the levee, under the terms of their franchise and so save the taxpayers' money. Other criticism from other parties was because we had performed a lot of work on other portions of the levee, under agreements with the railroad company, without advertising.

My answer to that latter criticism was, that no one but the railroad company could have performed the kind of work it did for us, and that the price had been exceedingly reasonable, in fact, at cost. As for the former criticism, our answer was, suppose another and higher flood occurred (which it did the following year), would not the citizens feel much more secure and retain their confidence if the levee were higher. Further, that the proposed work was only going to cost \$3,755.30 for the job and I for one, did not propose to let the “measly” sum of \$3,755.30 stand in our way of having that section of levee as high as other portions of the levee; that the judgment of the Levee Commission was supreme in such a matter and that the work would go on, which it did. At about that same time, a second quiet attempt was made to have the Grand Jury bring in indictments against the Levee Commissioners for violating the laws. This was commented on in an article in the *Appeal*, but the Grand Jury declined to take any action. (This was the Grand Jury of 1908-09.)

AND THEN, a few months later came the still higher flood of January 16th, 1909, when the gauge touched the 24 foot mark. Three days later, on January 19th, the following article appeared in the Marysville *Appeal*:

“Through the energy and foresight of W. T. Ellis, Jr., what was supposed to be an enormous addition to the height and thickness of our levee system and was with such hustle, that some citizens have said it was not done according to the prescribed forms of law, Mr. Ellis has been severely criticized for the manner in which he had done some of the contracting for the work of raising and strengthening our levees. It would seem that after the experience of the last few days, that Mr. Ellis should receive a vote of thanks and confidence from the people of Marysville for the prompt and efficient manner in which he has protected the City and let the legal technicalities of the irregularity of his procedure (if any irregularities exist) take the usual course of being ‘laid on the table’.”

Later on, I was presented with a solid silver service and on the large silver tray was inscribed the following:

Presented to W. T. Ellis, Jr.,

by

Friends who appreciate his untiring energy and zeal as President of the Board of Levee Commissioners

of the City of Marysville 1900 to 1912

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CHAPTER LXXIII

Artificial Channel Alterations Near Marysville

THE original channel of the Yuba River, from a projected south line of H Street, ran westerly to the Feather River, a distance of about 2800 feet and the junction of the two rivers being practically at an obtuse angle, the result was that as the Yuba River was the smaller and shorter river, the apex of floods on the Yuba River reached here before the Feather River. The result was that the strong

current discharged directly against the bank on the Yuba City side, gradually wearing away and undermining the bank, close to the levee and the heavily discolored water from the Yuba would be observed a quarter of a mile upstream on the Feather from the junction of the two rivers. Finally, an effort was made to obtain Federal Funds (as the Feather was an officially navigable stream) and the effort was successful for a “cut-off.” Yuba and Sutter Counties joined in furnishing funds for the necessary rights of way and the present channel was constructed on the east side of what is now the Marysville Sewer Farm. The work was performed with mules and scrapers under contract, the headquarters for management being in my office at D and First Streets. It took several months to complete the job, the work being finished on November 11th, 1893, when the upstream end of the cut-off was opened, the river immediately fell from a reading of 6 feet 3 inches on the D Street gauge to 4 feet 10 inches the following day; however, the main object to be secured was to divert the main channel to the south and protect the Sutter County side; the plan worked successfully as in the next few years, the old channel was all filled up with debris and this is where the “jungle camps and dumps” now are, immediately across the levee at the foot of Third Street.

While this “cut-off” had solved the problem of the threatened danger to the levees on the Feather River side at Yuba City, it did not solve the problem of the “backing up” of the river waters at flood times, caused by the two sharp bends, known as Shanghai and Eliza Bends, where the channel was narrow and made a regular letter “S” and all the low lands were covered with a dense mass of trees and underbrush. Therefore, in 1906 I suggested to District No. 1 of Sutter County, that they join with the Marysville Levee Commission to get another artificial cut-off constructed just south of Shanghai Bend and negotiations were entered into with the State Engineering Department to perform the work of excavating, if we furnished the right of way and did the necessary clearing, which was agreed upon. We then purchased all the necessary low land there consisting of about 275 acres for which we paid \$3,000.00 to Mrs. Abbott and Ferd Hauss and the following year, the right of way for the proposed cut-off was cleared; but before any arrangements had been made for the work of excavating, the disastrous flood of 1907 arrived and I decided that some better and more effective plan should be adopted.

I then investigated to ascertain whether there was a possibility of “side-tracking” both Shanghai and Eliza Bends by a cut-off, from the south side of the D Street bridge straight south to Eliza Bend, a distance of about two miles. My trip of investigation was quite difficult as the bottom lands there were a tangled mass of trees and underbrush, but my trip disclosed that there was not only a good fall, but that the 1907 flood waters had torn through with great force and showed a very marked inclination to escape that way. I then put men to work, clearing out a space about 15 feet in width, which took a few weeks to perform and when completed, had the men commence to burn the piled up brush and trees. No one knew I had been having this work performed but when burning commenced, the owner of the land one day observed a lot of smoke, made an investigation and having ascertained what had been going on, called on me and threatened me with arrest for having trespassed upon his property without permission and having burned up, what he claimed was “several hundred dollars worth of valuable wood.” He was “mad as a hatter” and I had dreams of going to jail but knowing his fondness for imbibing in the cup that cheers, I suggested that we go up town and have a drink and talk it over; he agreed and when he ordered his whisky straight, I asked him if he had ever tasted champagne; he said he had not and I suggested a bottle; well we had several bottles and I saw that he got more than his share and he enjoyed it hugely; well I obtained his forgiveness and his written permission to finish the burning and also to have a survey made down the clearing. This survey when finished showed that in a distance of two and a half miles from the Southern Pacific Railroad bridge to Eliza Bend there was a fall of about seventeen feet.

I then took this survey to San Francisco and called on William Hood, Chief Engineer of the Southern Pacific Railroad Company, which had its offices at that time in the Flood Building on Powell Street. I had met Mr. Hood once before and knew that he was very sharp spoken and very gruff in his ways so was forewarned as to what kind of a reception I might have. When I called, I was told he was busy and would see me “before long,” which resulted in my “cooling my heels” in an ante-room for about an hour. I finally was admitted to his office and introduced myself as President of the Marysville Levee Commission and reminded him of the flood we had recently experienced, that his Company's bridge across the Yuba River had had about five feet of steel super-structure submerged; that their rails, where they crossed over our levee, were about four feet

below the levee surface; that we had been compelled to sack the levee at that point during the last flood, that it had been done hastily and had almost failed and that for the protection of the City's levee and of his Company's bridge, a new channel should be constructed to connect with Eliza Bend, so as to relieve the "choke" there and expedite the flood flow and lower the flood plane against our levees and his bridge. I then showed him our surveys which I believed demonstrated that the plan was practical and could be expected to have the desired results; when I had finished my explanation he asked what the project would cost and I told him, about \$50,000 to 181 which he replied, "And I suppose you want our Company to put up the \$50,000 and do this work for you; now let me tell you Mr. Ellis, I am a railroad construction and maintenance engineer and I am not in the business of building new channels for the Yuba River; you take care of your levees and I will take care of my bridges; I am very busy Mr. Ellis and you will have to excuse me and I wish you good day."

Well, he was "tough" as I had expected but I decided to be "tough" also so I replied, "Mr. Hood, I will go at once but before I go, permit me to tell you that I did not come here with any intention of asking you to put up the money for this project, I hoped to get the money elsewhere and if I fail to get it and not have this plan put through, I am quite sure that your franchise does not permit your to maintain your rails where they cross over the crown of our levee, in such a position that the safety of the City is endangered, so if I fail to get this plan carried out, I feel quite sure that the Levee Commission have the right and power to order you to raise your tracks to the crown of our levee and that would mean the raising of your bridge and your embankment on A Street and that might cost your Company about \$250,000."

This statement very evidently had the desired effect, he saw the point as quickly as some California Legislators see the viewpoint of a lobbyist representing a utility corporation; he immediately asked, in a much better tone of voice, "Where do you expect to get the \$50,000?" to which I replied, "From the State Legislature"; to this he retorted, "Well the Legislature is now in session, why not go there; why come to me?" "Well, Mr. Hood, "I replied, "I thought we might have a mutual interest in this matter, so came to you first with the idea you would be interested and be of some assistance in getting an appropriation of \$50,000 from the Legislature." Mr. Hood thought for

a minute or so and then said, "Well possibly we could be of some help; now I tell you what to do, you go to Sacramento tomorrow and call on Mr. Jerry Burke at this address (which he gave me) and introduce yourself and tell him what you are after"; I suggested that he give me a letter of introduction to Mr. Burke, but he said "That will not be necessary, just call on Mr. Burke and introduce yourself, that will be all that is necessary." I thanked him and took my departure.

Now in those days, the Southern Pacific Company, it was often said, "owned the State of California and its legislature"; in self protection, I guess that they just had to mix in State politics or be "held up" with "cinch bills." It was a well known fact that they interested themselves in getting the "right" candidates for Governor nominated, they also "financially assisted" candidates for membership in the Legislature, often giving "financial assistance" to opposing candidates for offices of Assemblymen or Senators, so no matter which one was elected, the successful one would be under obligations to the Company. The Company also maintained a "lobby" at Sacramento (to keep the boys in line) and the directing head of this lobby was Jerry Burke. The railroad company did not care what the Legislature did, provided it did not take any 182 action which was against the interests of the railroad company, so Mr. Jerry Burke was a "power" in Sacramento.

The following day, I went to Sacramento and called at Mr. Burke's office. There were a lot of men present and one of them, I asked to tell Mr. Burke that Mr. Ellis of Marysville was there to see him; he took the message to an inner office and almost immediately I was ushered into the presence of Mr. Burke, who came forward with outstretched hand and said, "Well, Mr. Ellis, I am glad to meet you; I understand that you have a very fine plan for river work to protect the City of Marysville, which we are very much interested in and that it will be necessary to get an appropriation of \$50,000. Now let me ask you, have you seen any of the members of the Legislature or have you seen the Governor about this?" and when I had assured him that I had not, he called to a rather tough looking individual to come over and to whom he introduced me as being a Senator from San Francisco and said, "Now Senator, I wish you would take Mr. Ellis over to meet the Governor and see that there is no delay in doing so." With that, accompanied by my Senator escort, we walked over to the Capitol, went into the large waiting room, where about fifty other people were standing about, apparently waiting their turn to see the Governor. We, however, did not wait,

for my Senator escort walked over to the door-keeper to the Governor's private room, whispered to the door-keeper and we were immediately ushered into the Governor's presence. The Governor was having a conversation with several men near the window, my Senator immediately went over and whispered to the Governor; the Governor immediately left the others and I was introduced and he asked me what he could do for me; I told him I had a plan for river correction which I would like to explain and he gave me permission. I spread out my survey sheets, etc., and started to explain; now to be as brief as possible and still make some reasonable explanation would have taken me at least half an hour and I commenced to talk as fast as possible; the Governor seemed to me to be paying but little attention to what I was saying; after I had been talking about ten minutes, the Governor interrupted me, saying, "Mr. Ellis, that is a very fine plan, you have made it very clear that this work should be done, I will promise you right now that you will get the \$50,000." Well I certainly was surprised; I had hardly got started explaining the plan, neither had I said a word about \$50,000; well, I was "stumped" for a moment and then it dawned on me that Mr. Hood in San Francisco "was a fast worker" and that both Mr. Jerry Burke and the Governor had been "wised up" in advance of my reaching Sacramento, so I thanked the Governor for his promise but asked if it would be necessary for me to have some Legislator introduce an Appropriation Bill, to which the Governor replied, "No, that will not be necessary, we will attend to that; you just go home and we will see that the matter is taken care of."

Well I was as happy as a mosquito in a nudist colony and returned home and for the next few weeks, I kept tab on all appropriation bills which were introduced and when the Legislature shortly adjourned and quite apparently no appropriation for my 183 project had been made, I came to the conclusion that I had been "double crossed." I not only felt "peeved," I was mad and took the train to Sacramento, called on the Governor and reminded him of his promise and told him I understood that no necessary appropriation had been made and "how about it?" The Governor said, "Oh, that's all right, Mr. Ellis, we have an appropriation for some \$150,000 for river improvement and protection work for the Sacramento and Feather rivers and that's where the money is coming from and about next week, the State Engineer Nat Ellery will be up to see you." Next week Mr. Ellery did come up, I showed him where the proposed work was to be done; in about another week, a

survey crew came up to check up on my surveys and some time afterwards, a large dredger was towed up the river to Eliza Bend and the work of excavating the cut-off commenced. When the dredge had nearly reached the Sacramento Northern's trestle, I went to Sacramento and saw the State Engineer and suggested that the cut which had been made was not very large and while the dredge was on the job, would it not be a good idea, on its return trip to Eliza Bend, to make another parallel cut, about forty feet distant from the first one, and leave a "core," which future floods would wash out and, in that way, have a real channel of good capacity which would cost about half as much as the first cut had cost; he approved of the idea and said he would see if it could be arranged; it was arranged and the dredge was about finishing this new job when the 1909 flood occurred and the rush of the current of water down the new channel was so swift, that the dredge would have been lost, had it not been well equipped with several cable lines which were made secure to several large trees nearby.

Succeeding smaller freshets have further cleared out this channel way and it has proved a great success in permitting the Yuba River to escape by this "back door" during flood periods and when the apex of the Feather River flood, backs up the Yuba River to the D Street Bridge.

The above is an example of how "business" was conducted in the Legislature those days; later on, this was all changed when Hiram W. Johnson was elected Governor with his slogan of "kick the Southern Pacific Railroad out of politics" and after he was elected, the State Railroad Commission was formed to represent the interests of both the railroad and the public.

Previous to the flood of 1907, the overflow area between Marysville and Yuba City was very largely grown up with a large number of trees and underbrush which greatly retarded the current flow; in place of the present subway on 5th Street, there was an earth grade or embankment for street purposes which extended to the old wooden covered bridge crossing the main Feather River channel reaching Yuba City, this grade used to overflow at flood periods, the gravel surface often being washed off or damaged. The present Southern Pacific trestle, to the north, also had at that time a considerable length of earth embankment, midway of their trestle bridge. The old wooden bridge was being replaced at the time the 1907 flood occurred and there was a mass of "false 184

work,” which added to the brush and trees and the earth embankments mentioned above, causing a serious obstruction to the flood waters. To remove this menace in the future, and as there was a community of interests in this matter, I raised \$2,000.00 for clearing out all trees and brush, and obtained \$400.00 each from the Western Pacific Railroad, the Southern Pacific Railroad, the Northern Electric Railroad, Levee District No. 1 of Sutter County and the Marysville Levee Commission; we let a contract to P.L. Tyhurst for clearing 29.08 acres at \$40 per acre amounting to \$1163.20, we paid \$800 for rights of way to Swain & Hudson, Charles Young, M. C. Dufficy and Mrs. Bilhartz, the balance for surveying and incidentals. All this work was completed in April 1908.

I then approached the Southern Pacific Company to remove four hundred feet of earth embankment in the center of the overflow area and replace same with trestle, but they declined to do so. I then drew up a petition, addressed to the Company, signed by a very large number of citizens, making this request and presented this to the railroad officials on September 8th, 1908, but this petition was also denied. I must have had a “hunch” that there might possibly be another big flood the following year (which there was), for I determined to place that earth embankment in such a condition, that if another flood did occur the following winter, that the flood itself would remove the embankment. We had cleared all the trees and underbrush, just upstream from this embankment and which had in the past given it some protection; I followed this up, by having our levee men cut down the edge of the embankment, where it joined the old excavation which had been made when material was excavated for the embankment, making a perpendicular and “raw edge” to the face of this borrow pit, for the full distance of 400 feet, in the hope, that a flood water would have an opportunity to undermine and destroy the embankment. The following winter, came the flood of 1909, and the plan worked perfectly, the entire embankment was washed out and was replaced with a wooden trestle bridge by the railroad company.

Ever since these two floods, the Marysville Levee Commission, has each fall of the year, had men employed to cut down the summer season growth of small brush, vines, etc., the annual expense being about \$300.00 each year and it is an important practice which should always be done annually in the future.

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CHAPTER LXXIV

Monies Raised by Taxation for Marysville Levee System

COST CITY LEVEE PROPER FROM 1861 TO 1882

1861 \$ 84.00 1875 97,860.66

1864 500.00 1876 8,981.83

1865 1,563.75 1877 7,725.06

1868 18,274.32 1878 6,874.26

1869 8,823.40 1879 43,479.20

1870 2,150.74 1880 10,799.07

1871 6.00 1881 35,952.24

1872 2,300.92 1882 43,925.47

1873 4,347.20 Right of way 3,000.00

1874 2,788.43 \$ 299,416.55

COST BROWNS VALLEY GRADE FROM 1868 TO 1881

1868 right of way \$ 5,649.00 1877 1,000.00

1868-69 18,449.66 1878 1,223.87

1870 1,353.25 1879 3,282.10

1872 450.00 State Drainage Commission 26,000.00

1874 272.00 1881 1,801.85

1875 10,361.25 \$ 69,842.98

COST CITIZEN's LEVEE FROM 1868 TO 1881

Private Sub \$ 10,000.00 1875 280.00

1868-69 1,600.00 1881 13,000.00

1869-70 2,400.00 \$ 27,280.00

RECAPITULATION

City Levee \$ 299,416.55 1885 19,825.26

Browns Valley Grade 69,842.98 1886 8,367.79

Citizen's Levee 27,280.00 1887 10,847.54

Total to 1881 \$ 396,539.53 1888 10,471.50

1881 35,952.24 1889 5,767.95

1882 38,292.37 1890 16,215.54

1883 22,845.67 1891 12,912.23

1884 33,031.80 1892 6,329.56

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1893 12,417.30 1915 .00

1894 5,339.07 1916 3,625.03

1895 5,088.45 1917 1,851.19

1896 8,962.99 1918 .00

1897 9,527.40 1919 2,070.79

1898 6,873.98 1920 1,659.90

1899 12,794.07 1921 3,450.76

1900 9,478.74 1922 2,548.77

1901 9,175.39 1923 2,679.84

1902 4,773.99 1924 1,803.96

1903 4,192.93 1925 2,587.94

1904 21,170.72 1926 2,707.29

1904 (County Tax) 5,000.00 1927 2,745.70

1905 12,395.29 1928 10,666.34

1906 6,195.78 1929 14,497.16

1907 79,248.43 1930 4,385.21

1908 (County Tax) 5,000.00 1931 4,226.21

1908 13,798.93 1932 4,049.00

1909 37,572.65 1933 4,071.17

1910 22,852.60 1934 7,260.54

1912 1,793.27 1935 7,260.54

1912 3,644.40 1936 6,225.71

1913 3,543.39 1937 4,778.77

1914 3,563.50 1938 20,188.04

Total \$1,037,132.14

The Marysville levee system consists of thirteen miles of levee, seven miles of which surrounds the City proper and encircles an area of 1418 acres of land; the remaining six miles of levee extends easterly, on the north side of the Yuba River and ends at the Kupser Ranch, and was constructed to prevent the Yuba River overflowing at flood periods and joining with the Feather River on the north side of the City, which it used to do in early days. At one time, in 1876, an attempt was made to shut off this overflow by the construction of a short levee, extending from the present Cordua District's school house in the Hallwood District on the Tahoe Ukiah Highway to the present Old Seven Mile House but as the river bed continued to raise with accumulating hydraulic mining debris, it proved ineffective and the present six miles of levee were constructed, to protect the City's safety.

It will be seen therefore, that the protection of the 1418 acres of the City of Marysville by the levee system, which cost \$1,037,132.14, was at the rate of \$731.40 per acre; incidentally, the entire levee system was built and paid for in cash, out of tax levies, AS THERE NEVER WAS A BOND EVER ISSUED FOR LEVEE PURPOSES.

I first became a member and President of the Levee Commission, in 1900 and since that time, to date, I have had the responsibility and the supervision of the expenditure of \$352,544.05. I never employed any engineers to make plans, in fact my engineer was always the river itself, as with each occurring flood, which might happen to break previous records, I always had ready survey stakes, painted white, and as soon as the flood crest was reached, the levee foreman would immediately start out and drive these pegs at various places to establish the high water mark reached; then later on, I would employ a surveyor to ascertain what the height of the top of the levee was above this new flood height and I would formulate plans to raise the levee at such places as it was considered necessary so to do. I always found that the river itself was my best “engineer,” it always told me exactly WHAT it could do and then I laid my plans to “outsmart it” by raising the levee to such a point which would be safe to anticipate what IT MIGHT AT SOME FUTURE TIME, show me what ADDITIONAL it could do. I will frankly admit, however, that on the night of March 19, 1907, the Feather River came uncomfortably close to “turning the tables” and “out-smarting” me but I managed that night to “beat it at its own game” and prevented a catastrophe, but it was a mighty “close shave” that night, standing on the north levee, with the water pouring over its top from two to five inches deep at places, and about five hundred men, working like mad with sand bags and boards to prevent a break.

The floods of 1904, 1907 and 1909, all came close together, and it was during that period that the heaviest expenditures occurred during my administration as the total expenditure during that time was \$203,234.40. But this is not all that was expended on the levees during that period because it was at that time, when the Western Pacific and the Sacramento Northern Railroads were being constructed, and by giving these two railroads easements and franchises on portions of our levees, they in return raised and strengthened those portions of the levees and thereby saved the City at least \$100,000. Since 1910, expenditures on the levee have been mainly for maintenance with some betterments. The annual cost now for maintenance and administration averages about \$3800 per year which should be considered a very reasonable figure, when we stop to consider that the levee system, which had cost to date a little over one million dollars, is the most costly and THE MOST VITAL AND IMPORTANT THING which the City owns today; upon its watchful care

and supervision are dependent millions of dollars worth of property and the lives of our people and eternal vigilance has been and always will be, "the price of safety."

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CHAPTER LXXV

Outside Monies Which Have Been Raised by the Levee Commission for the Benefit of the City's Levees

Cost to the

Outside Levee

Contributions Commission

After the 1904 flood, practically the entire Yuba River was diverted to the Kupser channel at the base of the easterly end of the City levee. We interested Major W. H. Harts, of the California Debris Commission to construct an earth barrier across this channel \$ 2,562.95 \$.00

We then protected this embankment with a brush mattress for the California Debris Commission 473.32 .00

In 1904, we were raising most of the Yuba River levee and obtained from the Board of Supervisors, for protection of County roads 5,000.00 .00

At that same time, we arranged for clearing brush for a channel at Shanghai Bend and obtained from the State of California 5,500.00 1,125.00

After the failure of the Munson sand training wall on the Yuba River's north bank, Mr. Munson was awarded a contract by the Federal Engineers for \$50,000.00 for repairs. We then, with the consent of the Engineers, induced W.P. Hammon of the dredging company, to purchase this contract from

Mr. Munson for \$15,000 and build a new dredge (No.12) and for the remaining \$35,000.00 replace the sand training wall with a cobble embankment 50,000.00 .00

When the job was about complete, we endeavored to induce Mr. Hammon to continue to the foothill and replace the balance of this sand embankment with a dredge embankment. It was with considerable difficulty, but finally the California Debris Commission contributed \$45,000.00 and I “passed the hat” and raised \$15,000 for right of way through James o'Brien's land and the work was performed. 60,000.00 .00

After the 1907 flood, we planned the clearing of all trees 189 and brush between Marysville and Yuba City. Contributions were obtained from the Southern Pacific and Western Pacific, Sacramento Northern and District No. 1 and the work performed 2,078.00 420.00

This was followed by clearing of trees and brush on south banks of Yuba River 1,100.00 .00

This was followed by more clearing, south of D Street bridge, State contributed \$450.00 and Levee Commission and District No. 1, costing 1,150.00 350.00

After the 1907 flood, we arranged with the State to dredge a new channel on south end of D Street bridge to Eliza Bend. Again we “passed the hat” for rights of way required.

Yuba River right of way channel cost 4,610.75 512.55

Feather River right of way channel cost 3,560.00 600.00

State's contribution for dredging 75,000.00 .00

In 1909, permission was granted A. L. Brownlee to operate a sand plant, upstream from the D Street bridge, in return for widening the levee crown, from 16 feet to 32 feet 4,900.00 .00

After the south subway wall on 5th Street was completed by the Railroad Company, we were not satisfied with the height. We induced the railroad company to place additional height and install concrete walls and gates on west end of the subway, cost 4,100.00 .00

When franchise was granted Western Pacific on K Street levee, they contemplated a branch road to Colusa, so franchise included north subway wall. They afterwards purchased the electric road, so never placed rails on north subway wall and to do so, made necessary a large fill where a curved track would be at northwest corner of 5th and K Streets. We were not satisfied with the width of the subway wall at that corner so asked Mr. Levey, President of the Western Pacific to make this fill and place tracks on the north subway wall; he wrote and refused to do so. I called on him in San Francisco and pointed out that this was a violation of the terms of his franchise on other portions of the levee. Very reluctantly he complied and did the work 3,750.00 .00

The trade of the Covillaud land to the Western Pacific saved us \$6,000.00 for razing the old Third Street levee and enabled us to obtain more additional work on the levee costing \$12,750.00, total 18,750.00 .00

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After the 1928 flood, the public not being satisfied with the low levee for two blocks on each side of the D Street bridge, we erected concrete walls about 980 feet in length costing \$5,250.01. Later, I got a bill through the Legislature and obtained a return of \$1604.49 from the State 1,604.49 3,645.00

We followed this up, with a request to the Western Pacific Company to continue the raise of their tracks, from the foot of E Street to the foot of I Street, by ballasting as their tracks were just three feet above high water mark. This they did 5,854.02 .00

Not being satisfied with the dredge material used in raising our K Street levee, in 1934, we asked for and obtained an earth slab, placed on the west side of our K Street levee, from 9th Street to 11th

Street, the expense being borne by State and Federal funds, we paying for removing and replacing telegraph poles, etc. 3,254.60 234.06

When the above was finished, two years later, we obtained similar work performed, from 11th Street, to the Jewish cemetery, we again paying for removal and replacing of telegraph poles, etc. 16,058.47 1,427.80

In 1937, we again obtained State and Federal funds to do similar work on K Street, from 9th Street, to 6th Street. When completed, costs were 3,750.00 400.00

In 1938, as a result of the December flood of 1937, with State and Federal funds, a heavy slab levee was decided upon, from D Street bridge to the K Street levee, thence to the Binney Junction. This work is now about 50% completed; costs estimated as follows 80,000.00 9,975.00

Totals \$353,057.20 \$18,689.93

(When this latter job is completed, we are planning for next year, some additional work, at a comparatively small cost to the City, and when this programme is completed next year, it will give the City one of the best, if not the finest levee system in the State. In the lower delta regions of the Valley, there are some larger levees, made necessary because of poorer foundations and also because of prolonged high water stages in winter months which does not apply in our levee system.)

In other words, to obtain \$353,057.20 of “outside” monies for the direct benefits of the Marysville Levee system, the Levee Commission contributed an additional sum of only \$18,689.93.

The above does not include, possibly a total of an additional \$100,000 of State and Federal funds, expended for retards, channel correction, brush clearing, etc., to which 191 the Levee Commission contributed nothing although these works were of very considerable but indirect benefits to our levees, and for which we always rendered cooperation in obtaining donations from the State.

The above does not include also, approximately one million dollars which has been expended by the State and Federal Governments on other levee systems on the Feather River, while I have been

a member of "The Committee of Five" under the Curry Act and representing all the Reclamation Districts on the Feather River.

The above does not include the construction of the two parallel channels, which made the river scour about 20 feet and so made obsolete, about five miles of our east levee which extends to the Kupser ranch at the foothills. It took a dredge, specially equipped with a side stacker about eight years to complete this work. Aside from the actual dredging operations, necessary to construct these two 750 foot parallel channels, I raised funds to obtain the necessary rights of way required, about \$40,000 and cost the City of Marysville nothing, the dredge company making no charge of course for their eight years' service of their work, they presumably and undoubtedly making a profit on the dredge operations.

EMOLUMENTS

As a member of "The Committee of Five," I had been promised \$125 per month; I actually received for my five years of service, an average of \$31 per month which did not cover actual expenses.

As a member of the State Reclamation Board for ten years, I received only expenses but no salary.

As President of the Marysville Levee Commission for many years, I received no salary and paid my own expenses. Since June 4, 1929, when I have been General Manager of the Marysville Levee Commission, I have received a salary (which I have voluntarily been reducing from time to time). The total amount so received, if spread over the forty-two years I have been interested in the City's levees, and as Mayor for four years, would average \$20.42 per month for that period of years, which has not covered actual expenses, during that period of years.

This reminds me of an occurrence when we had a hot contest for control of the Levee Commission in 1908. There was a colored man named Churchill, who had been born in Marysville and had always been very friendly to me. The day after the election, when we had won our contest at the polls, I happened to meet this man Churchill, who by the way, stammered badly. Churchill remarked, "Well, well, well Bill, we we beat them, didn't we," to which I replied, "We surely did."

Churchill then said, "Guess this this Levee Commission, pretty good job, huh huh Bill." I told him I took a lot of fun out of it but we got no salary, to which Churchill replied, "You you mean Bill, you you get no salary and do all all this work on the levee for for nothing?" I told him that was a fact. Churchill, with an incredulous look on his face replied, "Oh oh oh Bill, you you can't make me believe that, no sah, you you can't make me believe that."

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CHAPTER LXXVI

Manner in Which the Marysville Levee was Raised and Strengthened after the 1907 Flood

THE Marysville levees have been pronounced by State Engineers also Federal Engineers as among the best constructed levees in the State.

In the first place, the foundation ground upon which the levees rest is first class material, almost all being a few feet of heavy clay material, resting on hard pan. The old original 1907 levee was constructed of this heavy clay material, practically impervious to seepage. After the 1907 flood, the levees were raised and widened with various additions of clay, sand and dredge material brought from Oroville, practically making all our levee system wave proof, current proof, gopher proof and seepage proof. The following pages show some typical cross-sections of our present levee at various places, showing the various layers of material of different kinds which have been added to the old levee of 1907. A study of these cross-section diagrams will be self explanatory.

We discovered, during the 1928 flood, that this dredge material, placed on top of the levees was not impervious to seepage as we had expected it to be. In the 1928 flood, seepage through the top dredge material occurred at the foot of First Street, near the Arnoldy wood yard. As a result, we have since then been obtaining State and Federal funds with which to "slab" the levee on the water side to prevent this seepage. This has now been performed from the Jewish cemetery, westerly to 9th and K Streets and we are planning for more of this character of work, from the latter point, to the westerly end of the north subway wall, also along the Yuba River levee, from about H Street, easterly to the D Street bridge, which, when completed, will care for this situation. This seepage

through this top coat of dredge material and over the old inside crown of the levee is not dangerous, because of the extreme width of the levee crown at those places, but it alarms the citizens and “does not look so good.” Only the north subway wall on Fifth Street and a short distance between D and H Streets remain to be completed in this way and at the same time, these stretches of levees are also being raised to bring them all up to a uniform height.

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MARYSVILLE LEVEE ON YUBA RIVER AT FRONT & C STREETS A. Old levee on March 19th, 1907. Flood was about 18 inches higher than the old crown of the levee, which however was carefully sacked, two sacks wide and four sacks high, the day previous to the arrival of the peak of the flood the following day. B. Earth fill by Western Pacific. C. Dredge tailings from Oroville by Western Pacific. S. Sand fill by Yuba River Sand Co. from river channel. D. Dredge tailings from Oroville by Western Pacific. F. Concrete wall with wide base, three feet deep below levee crown (1928). G. Slickens fill by trucks, in 1928. SCALE. Ten feet to one inch, approx.

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MARYSVILLE NORTH LEVEE AT NORTH END OF RAMIREZ STREET A. Old levee on March 19th, 1907. For about 2 1/2 miles, flood was about 5 inches above crown of levee but was held from breaking with boards and sacks on an 8 foot crown. B. Earth fill with scrapers under contract with Ed. Malley of San Francisco. C. Dredge tailings from Oroville by Western Pacific. D. Earth crown put on with wagons. All this stretch of levee, from the Jewish cemetery, easterly to its connection with the Yuba River at the Browns Valley road, is 6' 2" above the highest high water mark which was on Jan. 16th, 1909. SCALE. Ten feet to one inch, approx.

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MARYSVILLE LEVEE AT CATHOLIC CEMETERY A. Old levee on March 19th, 1907; flood about 4 inches deep over crown. B. Earth fill from Scheu Ranch by Western Pacific. C. Dredge tailings from Oroville by Western Pacific. D. Earth slab put on by scrapers by Carstenbrook Bros. E. Earth slab put on by wagons by Carstenbrook Bros. F. Earth slab by Le Tourney scrapers in 1935 paid for by State & Federal funds. SCALE. Ten feet to one inch, approx.

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MARYSVILLE LEVEE AT COUNTY HOSPITAL A. Old levee on March 19th, 1907; flood was within two inches of crown. B. Earth fill, brought in by Western Pacific trains. E. Dredge tailings from Oroville by Western Pacific. C. Red dirt with part gravel from Oroville by Western Pacific for “veneer.” D. Additional clay slab by Southern Pacific Co. to prevent seepage. F. Earth fill with scrapers by Carstenbrook Bros. G. Earth slab in 1935, paid for by State & Federal funds. SCALE. Ten feet to one inch, approx.

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MARYSVILLE LEVEE AT E & 15th STREETS A. Old levee on March 19th, 1907; flood about one inch over top. B. Earth slab put on in 1935 with Le Tourney scrapers and paid for with State & Federal funds. Previous to this work, we had depended upon the Western Pacific Railroad embankment for protection which crossed over the low ground from the north end of E Street, southwesterly to the north end of H Street but it was not satisfactory or dependable because it was largely constructed of dredge material on its top five feet. This now gives us a “double” levee system at this location.

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CHAPTER LXXVII

A \$200 Investment Which Paid The City Big Dividends

IN FEBRUARY 1895, as Mayor I made a report to the Council on the probable cost for a system of drainage sewers for the City and also for the cost of filling all the streets and alleys in the slough area between 2nd and 9th Streets and recommended the work be done and that the necessary monies be raised by means of a bond issue, also that a new pumping plant be erected at 15th and E Streets, to replace the old one at 2nd and F Streets. This at first raised a storm of protest, particularly the proposed removal of the pumping plant from 2nd Street to 15th Street, many claiming that the natural fall of the land was “to the south” and that I was proposing to “run the water up-hill.” The Council, however, backed my plan, an engineer, George A. Atherton, City Engineer of Stockton was employed; he made a detailed report with estimates on April 2nd to the Council and on April

9th, the report was adopted and on June 4th, an Ordinance was adopted calling an election for the issue of bonds to the extent of \$40,000 to carry out the plan. I got out a circular, giving a detailed statement of what was intended, estimates of all costs, the necessity of the improvement, with the result the bonds were carried with a favorable vote of 692 “for” and only 94 “against.”

Before I had ever made public my plan and realizing that the only place to obtain material for filling the slough was a large area, on the south side of the City levee, then on Third Street (where the ball park is now situated), I confidentially took the matter up with the owner, Mr. Charles Covillaud (son of one of the founders of Marysville) and asked him for an option on his holdings. Mr. Covillaud was very public spirited and cooperative; said that he had invested about \$600 in this tract as a speculation but that he was very much in accord with the proposed public improvement and gave me an option on his entire holding for only \$200. After the bond election, I purchased the land from Covillaud in my own name, paid him the \$200 and then in turn, deeded the land to the City for \$200 but put in the deed a reservation, that it must be used only for furnishing earth material, free of charge to the citizens of Marysville, otherwise, the property would revert back to me. The day after the election, John Stevenson approached Covillaud for an option on the property; Covillaud referred him to me as holding an option. Stevenson then called on me and offered me \$1000 for my option; I asked him what he wanted the land for, to which he replied, “Oh I will put a man on the levee and charge 10 cents for every load taken away”; I then told him that this was what I proposed to prevent by a restriction I proposed to put in the deed, when I sold it to the City.

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There was ample material there and the result was that the entire slough area was finally filled, including, not only the City's streets and alleys but the privately owned property as well.

Then in 1910, I approached the Western Pacific Railroad Company for some additional work on our levees, suggesting that in payment of these improvements I would endeavor to get the City to give them, free of charge, all the land which the City had acquired from Covillaud five years previous; this area had served its purpose and this large area should be valuable to the railroad for possible freight yards, industrial sites and for the new embankment, which they would have to build for their

railroad, which at that time planned that the main line cross the north end of the D Street bridge. The Railroad Company finally agreed to the plan, I took the matter up with the City Council and they agreed to give the railroad company the Covillaud property. Full details of this agreement were published in the *Appeal* under date of September 23, 1910. When the deed was ordered drawn up by the City for the Covillaud property, it was then discovered, that the City could not dispose of the property because of the restrictions I had placed in the deed myself. This difficulty was adjusted by the City deeding back the property to me, and I then in turn, deeded the property to the railroad company, in both cases, the consideration being only nominal.

As a result of this trade, we obtained \$12,750.00 work of improvement on the City levee, which, added to material which the City and the private owners had been able to obtain to fill up all the slough from 2nd to 9th streets, made the original investment of \$200.00 for this area result in good dividends. In addition to this, when the railroad company had built a new embankment, on a long curve, from 5th Street to the D Street bridge, this new embankment made a new levee for the City and made the old levee on 3rd Street obsolete. This levee, being on a City street, was then torn down and the material used in further raising the fill, which had previously been made on Napoleon Square and the block of land, on which the Grammar Schools are now located. Had not the Railroad Company constructed a new levee for us about one thousand feet further to the south, we would have been compelled to raise the old Third Street levee, at an expense of \$6000. That \$200 investment for the Covillaud property paid the City about \$20,000 in "dividends."

CHAPTER LXXVIII

River Gauges at Different Places

PREVIOUS to the 1907 flood, I had maintained for several years a gauge at Alabama Bar on the Yuba River, in the canyon below Clipper Mills. An old man named Peterson lived there and I had a private telephone line reaching from his cabin to the W. J. Schultz store at Clipper, and every hour Mr. Schultz would relay me the hourly 200 reading of the river. Later on I also obtained readings on the river gauge at the Colgate Power House. On the Feather River, I had a gauge in the back yard of

the Rideout Bank at Oroville, there being no levee there at that time and L. L. Green, Cashier of the Bank used to phone me hourly the flood reading on the gauge.

After the flood of 1907, I established a more elaborate system of gauges about the City and other distant points, so that now, in addition to my book records, I maintain a large chart, to be used at flood periods, and with different colored pins, follow up on the chart the hourly advances of the water on each gauge so that at a glance, the situation everywhere is apparent.

GAUGES ABOUT MARYSVILLE LEVEE

(Zero on each gauge is same altitude)

Ft. In.

Gauge No. 34 (Old Slaughter House)

Top of levee 34 0

Base of levee 23 0

Flood of 1907 read 27 0

Flood of 1909 read 27 9

Flood of 1928 read 25 3

Gauge No. 37 (Lone Tree Cabin)

Top of levee 34 0

Base of levee 19 0

Flood of 1907 read 27 3

Flood of 1909 read 27 9

Flood of 1928 read 25 3

Gauge No. 36 (Kimball Lane)

Top of levee 34 0

Base of levee 19 0

Flood of 1907 read 27 4

Flood of 1909 read 27 10

Flood of 1928 read 25 3

Gauge No. 35 (Oroville Railroad)

Top of levee 34 0

Base of levee 19 0

Flood of 1907 read 27 3

Flood of 1909 read 27 8

Flood of 1928 read 25 3

Gauge No. 33 (Catholic Cemetery)

Top of levee 32 6

Base of levee 19 0

Flood of 1907 read 26 6

Flood of 1909 read 27 6

Flood of 1928 read 25 3

Gauge No. 32 (E & 15th Streets)

Top of levee 34 2

Base of levee 14 0

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Flood of 1907 read 26 1

Flood of 1909 read 27 4

Flood of 1928 read 25 1

Gauge No. 29 (County Hospital)

Top of levee 36 8

Base of levee 14 0

Flood of 1907 read 26 1

Flood of 1909 read 27 2

Flood of 1928 read 25 1

Gauge No. 27 (K and 9th Streets)

Top of levee 36 6

Base of levee 12 0

Flood of 1907 read 24 5

Flood of 1909 read 26 2

Flood of 1928 read 24 7

Gauge No. 23 (West end Subway) South Side

Top of levee 36 0

Base of levee 10 0

Flood of 1907 read 23 9

Flood of 1909 read 24 6

Flood of 1928 read 24 3

Gauge No. 21 (D Street Bridge)

Top of levee, east side 31 6

Top of levee, west side 34 0

Flood of 1907 read 23 4

Flood of 1909 read 24 0

Flood of 1928 read 24 0

Gauge No. 17 (Yuba & 4th Streets)

Top of levee 32 0

Base of levee 20 0

Flood of 1907 read 25 4

Flood of 1909 read 26 2

Flood of 1928 read 25 9

Gauge No. 15 (12th Street pipe)

Top of levee 31 6

Base of levee 21 0

Flood of 1907 read 26 9

Flood of 1909 read 27 2

Flood of 1928 read 26 10

Gauge No. 13 (Airport)

Top of levee 35 6

Base of levee 25 6

Flood of 1907 read 30 4

Flood of 1909 read 30 0

Flood of 1928 read 28 0

Gauge No. 11 (Old Citizen's levee)

Top of levee 39 6

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Base of levee 29 6

Flood of 1907 read 35 4

Flood of 1909 read 33 5

Flood of 1928 read 34 2

GAUGES AT DISTANT LOCATIONS

Daguerre Point concrete lip

Top of concrete side walls 11 0

Surface of concrete floor zero

Flood of 1913 read 8 3

Flood of 1915 read 8 5

Flood of 1928 read 10 6

Colgate Power House Gauge

Floor of power house is altitude 534

Floor of power house on gauge 16 0

Low water reading is 2 ft. below zero

Flood of Nov. 19th, 1920 read 14 2

Flood of Feb. 6th, 1925 read 17 10

Flood of Feb. 21st, 1927 read 14 5

Flood of Mch. 26th, 1928 read 19 5

Goodyear's Bar Gauge

River's bed reads zero

Low water reads usually 2 9

Flood of 1907 read 15 0

Flood of 1928 read 17 0

Oroville, foot of Meyers Street

Top of levee reads 19 0

Flood of 1907 read (produced) 15 0

Flood of 1909 read 13 7

Flood of 1928 read 13 2

Oroville, USWB Gauge, bridge (most reliable)

Flood of 1907 read 28 2

Flood of 1909 read 26 0

Flood of 1928 read 27 0

Los Plumas Power House gauge

Low water usually 455

Flood of 1907 read 493

Flood of 1909 read 489

Flood of 1913 read 480

Flood of 1928 read 481.6

Have also records of gauges at Nicolaus, Knight's Landing, Red Bluff, Colusa, Sacramento, Folsom, etc. For the last 43 years, I have kept records of the *DAILY* reading of the Yuba River at the D Street Bridge; (this data is too voluminous to publish here).

(High water readings of flood of Dec. 1937, see pages 206 and 207.)

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CHAPTER LXXIX

High Water Readings of the Yuba River at the "D" Street Bridge, Marysville

THE first high water record kept of the Yuba River was in the great flood of the winter of 1861-2. Near where is now the D Street bridge, was growing at that time a large oak tree, and the highest water reached at the time of that flood was established by a large railroad spike driven in the trunk of this tree and remained there until the D Street bridge was constructed when my brother-in-law, A. C. Bingham, had a survey made to determine what the altitude of this spike registered on the newly established gauge and ascertained that the flood height of the 1861-2 flood was 11 feet 6 inches.

(This reading was 18 inches lower than “D” Street; there was no levee on the river bank at that time and the level of “D” Street those days was the same as it is today.

Ft. In.

January 11, 1862 11 6

December 25, 1867 13 6

January 19, 1875 15 2

March 6, 1879 15 11

April 22, 1880 16 2

February 4, 1881 18 2

April 6, 1882 11 2

March 29, 1883 12 9

December 23, 1884 17 1

December 25, 1885 14 8

January 24, 1886 15 3

February 13, 1887 11 0

January 3, 1888 10 11

December 11, 1889 15 4

March 8, 1890 16 8

February 24, 1891 13 0

December 28, 1892 17 0

May 14, 1893 15 1

January 15, 1894 15 0

May 27, 1895 15 10

January 18, 1896 18 5

February 6, 1897 16 3

February 7, 1898 12 1

March 25, 1899 18 5

January 3, 1900 18 0

February 21, 1901 19 0

February 26, 1902 16 11

March 31, 1903 19 4

February 25, 1904 20 0

January 23, 1905 16 3

January 19, 1906 21 8

March 19, 1907 23 4

January 22, 1908 13 5

January 16, 1909 24 0

March 21, 1910 13 11

January 31, 1911 20 0

March 5, 1912 6 10

May 19, 1913 10 10

January 1, 1914 21 6

May 12, 1915 20 8

March 21, 1916 14 1

February 27, 1917 17 2

March 27, 1918 10 6

February 11, 1919 15 11

December 18, 1920 10 4

January 30, 1921 10 4

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Ft. In.

December 13, 1922 13 6

April 6, 1923 10 5

February 9, 1924 9 9

February 6, 1925 17 10

March 9, 1926 14 7

February 22, 1927 19 7

March 27, 1928 24 0

December 16, 1929 15 7

March 4, 1930 5 10

March 19, 1931 4 4

May 18, 1932 6 4

June 1, 1933 4 6

February 27, 1934 4 0

April 9, 1935 16 0

February 23, 1936 17 6

Since the above was written a new flood has arrived with the following reading:

Ft. In. December 11, 1937 25 8

CHAPTER LXXX

Record of Low Water Readings of the Yuba River at the “D” Street Bridge at Marysville

IN THE year 1873, a wooden bridge was constructed across the Yuba River at the foot of D Street and when the bridge was erected, a gauge was established and *ZERO* on this gauge, was the reading of the river water surface of that date, which was March 22, 1873. (Zero on this gauge equals 50.43 California Debris Commission data; in other words, Zero on this gauge is 50.43 feet above mean sea tide.) Many persons have the mistaken idea, that the bed of the Yuba River, is higher than the level of D Street, but such has never been the case. For example, when the flood waters of the Yuba River reach thirteen feet on the D Street gauge, then the river water is just level with the surface of D Street. In the following figures, it will be seen that the “highest low water” reading was on October 28th, 1905, when the gauge read 9 feet 1 inch, or 3 feet 11 inches *below* the level of D Street; the following figures demonstrate that previous to that date, the river was gradually filling and the low water plane was gradually raising but after that date, and ever since then, the river bed has been scouring and the low water reading has been lowering.

Ft. In.

March 22, 1873 zero

January 18, 1874 1 0

September 9, 1876 3 6

July 22, 1880 6 0

June 19, 1883 6 4

June 27, 1883 6 0

December 1, 1883 5 3

December 21, 1883 5 3

September 6, 1884 6 0

December 30, 1884 6 0

January 30, 1885 5 10

September 17, 1885 4 4

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Ft. In.

October 30, 1885 4 6

September 20, 1886 5 10

June 29, 1887 6 3

July 7, 1887 5 11

September 30, 1887 4 6

September 4, 1888 5 3

September 11, 1889 5 6

August 29, 1890 5 10

November 8, 1890 5 7

October 1, 1891 5 11

August 25, 1892 6 10

November 5, 1893 6 1

November 11, 1893 6 3

November 18, 1893 4 10

September 12, 1894 6 2

October 13, 1894 6 2

October 18, 1895 6 4

December 14, 1895 6 3

October 11, 1896 6 7

October 20, 1896 6 9

September 27, 1897 7 8

September 29, 1897 7 8

August 9, 1898 7 3

August 14, 1898 7 2

September 1, 1899 7 1

September 30, 1899 7 0

August 10, 1900 7 5

September 28, 1900 7 4

August 13, 1901 7 8

September 1, 1902 8 2

August 31, 1903 8 6

September 17, 1904 9 0

October 28, 1905 9 1

October 30, 1906 8 11

November 30, 1907 8 6

September 6, 1908 8 4

October 2, 1909 6 2

October 30, 1910 5 9

December 1, 1911 6 1

September 28, 1912 5 5

September 21, 1913 5 5

October 1, 1914 5 6

December 31, 1915 5 6

September 16, 1916 4 11

September 20, 1917 3 10

December 31, 1918 3 8

September 29, 1919 2 2

September 24, 1920 2 7

November 28, 1922 3 0

September 6, 1923 1 6

August 12, 1924 1 2

The following readings are BELOW ZERO.

Ft. In.

October 28, 1925 0 10

September 1, 1926 0 3

July 7, 1927 0 6

August 27, 1928 0 8

July 16, 1929 0 6

November 17, 1930 2 0

August 23, 1931 3 3

September 2, 1932 1 10

September 24, 1933 1 6

August 24, 1934 2 0

October 17, 1935 1 8

September 27, 1936 20

It will be noticed that between November 11th and 18th of 1893 there was a drop from 6 feet 3 inches to 4 feet 10 inches in seven days and this is accounted for by the fact that that summer a “cut-off” was constructed where it now is at practically the foot of H Street and when the cut-off was open, the water in the river immediately dropped but in a few days it equalized itself again. This cut-off was put in to deflect the Yuba River from hitting the bank at Yuba City at the junction of the two rivers which at that time made an obtuse angle and the old channel leading to Yuba City gradually filled up and is now where the “jungle camps” are on the north edge of the Sewer Farm.

CHAPTER LXXXI

Zero Reading on D Street Gauge

IN 1872 a wooden bridge was constructed across the Yuba River at the foot of D Street. The following year, some one decided that there should be a gauge erected on the down stream side of this bridge and on March 22, 1873, this gauge was placed in position and zero on the gauge was the surface of the water in the river that day. Just why this zero was not placed at the then bottom of the river as no doubt in the later summer months of that year, the river no doubt got lower and the surface of the water was presumably below the zero reading, no one seems to know. In any event, zero is without question the low water reading of that date when it was installed.

I have at various times, had this zero “tied in” with other datum planes and same are as follows:

Zero was the low water mark of the Yuba River on March 22, 1873.

Zero reads 55.00 on Western Pacific Railroad datum.

Zero reads 53.39 on Southern Pacific Railroad datum.

Zero reads 46.83 on U.S. Geological Survey datum.

Zero reads 51.67 on State Engineering Department datum.

Zero reach 51.83 on California Debris Commission datum for Yuba River.

Zero reads 50.43 on California Debris Commission datum for all other rivers.

CHAPTER LXXXII

Gauges on Marysville Levee System

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The above shows only the High water readings of the flood of December 1937 and also includes additional levee heights after raising levees since that flood.

OUTSIDE RIVER GAUGES

Goodyear's Bar, 4 miles from Yuba River. Downieville.

Low water reading 2.9 feet

High water reading 17.0 feet

Colgate Power House. Yuba River.

Low water reading —2.0 feet

High water reading 22.0 feet

Los Plumas Power House. Feather River.

Low water reading 455.0 feet

High water reading 481.0 feet

Oroville, on Bridge. Feather River. U.W.S.B.

Low water reading

High water reading 26.3 feet

Because the Yuba River at the D Street bridge has scoured about 13 feet since 1905, they believe that this will result in a lower flood plane, but such is not the case under the new existing conditions. For example, the flood of 1907 registered 22 feet 3 inches at D Street (when scour had just commenced) while in 1937 the flood, registered 25 feet 8 inches (when there had been a 13-foot scour).

The scouring of the river bed DOES however expedite the lowering of the flood plane peak. For example, in the 1907 flood, it took eleven days to drop to the 13-foot mark (level with D Street) while in 1937 it took only five days to drop to this 13-foot mark.

CHAPTER LXXXIII

Water Pressure

EVERY time a flood occurs, I am asked about the security of the levees; is there any danger of them breaking from the pressure of the water against them, particularly at some places where the flood waters extend for several miles against the levees, the general opinion being that the less the expanse of water against the levee, the less the pressure. This idea is of course incorrect, the pressure against the levees, say between Marysville and Yuba City, where the river is comparatively narrow, is just the same as the pressure against our north levee, where the flood waters extend a distance of 208 several miles. The pressure of water against the levees is determined by multiplying the depth of the water by 62.5. For example; if there is say, ten feet of depth of water against a levee, the pressure against every square foot of the levee at the first top one foot of water is 62.5 pounds and at the base of the levee, where the water is ten feet deep, then

the pressure against every square foot of the levee's base is 625 pounds; this is what is called the "hydrostatic paradox."

Now let us assume we have a levee, say 15 feet high, with a crown width of eight feet, with side slopes of 3 feet to 1 foot; this would make the base of the levee 98 feet thick. If the levee is constructed of heavy clay material (such as our levees are), this material will weigh about 100 pounds to a cubic foot, so if the levee is 98 feet thick at the base, then the weight of the levee material behind every square foot at the base would be 9800 pounds and the pressure of the water, if it was ten feet deep, would be 650 pounds, pressing against the 9800 pounds of levee material. This is what is called the "factor of safety" and in the above case, then the weight of the levee material is about fifteen times greater than the water pressure against it.

In our levee system at flood times, rarely have the flood waters remained against the levees more than a few days, but in the delta region on the lower rivers, the flood waters remain against the levees for many weeks and the material is mostly "peat" soil with poor foundations for the levees. The constant pressure of the water results in the water seeping into the levee material and softening the levee, and as a result, they have to have much greater thickness to their levees than we do at Marysville, where, as previously stated, the earth used in the levees is mostly heavy clay and the levees are situated on practically hard pan ground.

Even under these conditions, seepage occurs at various places, this seepage almost invariably being through the ground and under the base of the levee; this seepage water will show up perhaps close to the levee base; if such seepage is perfectly clear water, there is no occasion for alarm, but, if discolored muddy water is observed, that is a different matter and requires immediate investigation and attention.

CHAPTER LXXXIV

Agitation for New Levee Commissioners

AFTER the 1904 and 1907 floods when so much money was being expended on the City's levee system, very largely under my plans and direct supervision, some citizens contended that both John C. White and W. T. Ellis Sr., were getting too old for the job; that they had performed their duties for many years, that the actual work was devolving on me and that it would be best to have two new and younger men on the Commission, I to be retained. This agitation was started by certain parties, with whom I had "crossed swords" at various times and, to me, it was quite obvious that the intention was to place me as a "minority member" of the Commission but at the same time, letting the public believe that they were very favorable to myself.

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As soon as this proposal was made public, I immediately came out in the newspapers with an announcement (generally referred to as an ultimatum), that the three incumbent Levee Commissioners would again be candidates for the office and three opponents be placed in nomination; that if, as a result of the election, I should be elected and John C. White and W. T. Ellis Sr., were defeated, that I would decline to qualify for the position to which I had been elected. (This was in February 1908.) This resulted in there being six candidates for Levee Commissioners with three to be elected.

Great interest was taken by the public, it being the first time there had ever been a "scrap" for the position of Levee Commissioner, a position which paid no salaries or expenses, it being the idea in the original Act, that no one would aspire to the position except those who had the interests of the City and the safe maintenance of its levee at heart.

The election resulted in the three incumbent members being again elected, my father and myself, by safe majorities, but John C. White was elected by the close margin of only four votes over Mr. H. H. Dunning. This resulted in a contest commenced in the Court by Mr. Dunning, he claiming that the election officers had been careless in the counting, lax in their duties, etc. Mr. Dunning no doubt confident, that if he could win out over Mr. White, I would keep my word and refuse to

act, in which case, my father would do likewise with the result that there would be an entirely new Board of Commissioners.

Mr. Dunning lost his contest, Mr. White was declared elected and the old Board proceeded to carry out the plans, which had already been formulated, for more levee work. There has never been a “contest” for the position of Levee Commissioner since.

CHAPTER LXXXV

Agitation to Widen the River at the D Street Bridge and Replace with a New Bridge at Simpson Lane

AS A RESULT of the floods of 1904, 1907 and 1909 coming so close together, each succeeding flood being higher than the preceding one and the bed of the Yuba River having been constantly raising for many years past, many citizens became alarmed and came to the incorrect conclusion that the width of the Yuba River at the D Street bridge was entirely too narrow, that the levee on the south bank should be set back about a half mile to the high ground and that the bridge across the river at the D Street bridge should be abandoned and that a new bridge should be constructed between Marysville and the south side of the river. This bridge was to follow the old Simpson Lane route, the terminal of the bridge to be near the Dunning Ranch, (site of the old historic “Yuba Dam”).

Not only were there many citizens of both the City and County who seemed favorable to the proposal, but the Mayor and Council and the Board of Supervisors became 210 impressed with the idea. I was convinced that it would be a mistake and a costly error to carry out any such plan and immediately commenced to protest and air my reasons for my objections. I was immediately accused of objecting for selfish reasons; that I was objecting because the abandonment of the D Street bridge and the construction of the new proposed bridge at Simpson Lane would seriously and adversely affect the value of the Ellis Block on D Street, only one half block distant from the D Street bridge. For an actual fact, my father as well as Mr. White, the other two Levee Commissioners, while they did not express themselves, were, I knew, in rather a receptive mood

towards the new proposal. I soon found out that I was about the only person in Marysville making serious objections to the plan; I had no control over the bridge or the levee on the south bank of the river and for the first time, I even doubted my influence with the other two members of our Levee Commission.

The Board of Supervisors addressed a long letter to the Marysville Levee Commission, setting forth their views and requesting a reply as to our point of view. This was replied to at length and I had both letters printed in a four page circular and circulated through the mails, for the public's information. I followed this up with another four page circular giving a lot of facts and figures endeavoring to demonstrate the mistake that would be made if the proposed plan were carried out; I showed that the bridge at D Street was 2000 feet long but that if the Simpson Lane plan was carried out, it would require several bridge openings as well as high earth embankments and that the total length of these bridges and embankments would be 9365 feet long. I contended that the proposed earth embankment for an elevated road, from the City levee on A Street, for a distance of about 1500 feet, to connect with the first bridge across the first river channel, would be at right angles to our levee and the flood flow, would cause a dangerous "pocketing" of the flood waters against the levee, making necessary the raising of the City levee at Yuba Square and some distance easterly upstream. I also showed that the cost of the project would entail an additional tax rate on the City of \$1.45 for its share of the expense and an additional tax rate of \$1.25 on the County; that the construction of this new route into Marysville and the abandonment of the D Street bridge, would be an inconvenience, not only to the traffic passing through Marysville to Sacramento but would also be an inconvenience to all the residents, directly south of Marysville, who would have to travel several miles easterly, then about two miles westerly to get into and out of town.

For about three months, there was a great deal of discussion and then an alternate proposal was advanced by some citizens which they called the "Lose the Yuba" project, which proposed that the Yuba River be entirely diverted from its present channel, at and for several miles above and below Marysville, by diverting the river, at the base of the foothills (where Hammonton is now located) and have a new channel for the river, erly direction to Plumas Lake, thence into the Feather River. Mr. Fred H. Greely, I believe, originated this plan and soon had many advocates and followers,

particularly 211 when it was demonstrated that the distance would be about 16 miles, and the fall in that distance was about 63 feet, or approximately four feet to the mile. This plan soon afterwards was “forgotten” after I had estimates made of the cost of diverting the river, of the cost of the two parallel levees, each some sixteen miles in length, also the cost of the land which would have to be acquired and paid for, for the rights of way for this new river channel and that most of these land owners were really in favor of the plan but were raising objections to enable them to “bolster up” their asking prices for such rights of way, when condemnation proceedings were commenced. This resulted in the “Lose the Yuba” project gradually “dying out” and then the public commenced to unite on the original project. Finally, a mass meeting was called for by the Board of Supervisors. I prepared a large map, on a large sheet of linen cloth, the map being about five feet wide and sixteen feet long. This map showed Marysville and the Yuba River, for several miles upstream and including the Feather River, down stream to and including the narrow channel at Hock Farm. All levees were shown in proper locations also various well known points of interest so that the average layman, unfamiliar with the situation, could grasp the idea which we were endeavoring to convey. The room was jammed full of interested citizens and twice as many were on the outside unable to get in. As practically everyone in the room was “for” the new project, I took up most of the time at the meeting explaining my reasons for being “against” the project. I gave comparisons between the discharge of the 1907 and 1909 floods, what had occurred during those two floods and showed the places on the river channels where fills and sand bars occurred where the width between levees was too great and where there was a contrary condition where river widths were reasonable and proper; I predicted that an additional width of about one-half mile at the D Street bridge would still further encourage the filling of the river and that the present width was ample and levee locations should be maintained as they now were. There were several heated arguments and when the meeting adjourned, I felt satisfied that I had convinced very few, if any, to my way of thinking. In desperation, I took the matter up with the California Debris Commission and Captain Thomas H. Jackson came to Marysville, at my request, and together we went over the whole situation and finally, in a letter addressed to the Levee Commission, sustained the arguments I had been making and disapproved of the setting back of the levee on the south side of the river. Shortly after, the annual cross-section we had made, disclosed for the first time, that while the three previous annual

cross-sections, had indicated no fill in the river, this last cross-section showed a decided scour in the river. This fact and the report of Captain Jackson, had the desired effect; the plan was abandoned; the south levee was raised and then followed, some years later, the construction of the new concrete bridge across the river, at D Street, to replace the old wooden structure.

with new levees on both sides of this channel, the new channel to run in a southwest-

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CHAPTER LXXXVI

Why Our Present High Water Mark of 24 feet at Marysville will be Exceeded at Some Future Flood

PREVIOUS to the consummation of the present flood control plan, and particularly before the reclamation of some 60,000 acres of District No. 1500, generally known as the Armour project in the Sutter Basin, the Yuba, Bear and Feather rivers discharged their flood waters through Nelson Slough and other water ways to the south, into the Sutter Basin, where these waters mingled with the excess waters of the Sacramento River into this basin, making a flood width, west of Nicolaus of about eleven miles. Then these waters would discharge, partly down the Sacramento River itself, below Vernon, the greater portion discharging over the natural south banks of the Sacramento River, for a long distance, in the vicinity of Wild Irishman, Kenney and other bends of the river into the Yolo Basin, as there were no artificial or natural obstructions to the flood waters seeking escape into the Yolo Basin, thence south to Rio Vista and the bays below. Before reclamation and the flood control plan was completed, these basins contained the following approximate areas:

Colusa Basin 93,000 acres

Butte Basin 60,000 acres

Sutter Basin 116,000 acres

American Basin 53,400 acres

Sacramento Basin 32,300 acres

Yolo Basin 164,000 acres

Total Basin overflow area 518,700 acres

Since reclamation of the basins commenced and the Flood Control Plan has been completed, the following approximate areas in those basins have been reclaimed from storage of flood waters:

Colusa Basin 93,000 acres

Butte Basin 00 acres

Sutter Basin 91,995 acres

American Basin 53,400 acres

Sacramento Basin 32,300 acres

Yolo Basin 94,000 acres

Total area reclaimed 364,695 acres

Before all this reclamation occurred, the flood waters “hesitated” at these various basins and filled each one up in turn “with a good big drink,” then continued onward to 213 discharge into the bays, thence to the sea. These immense basins acted as “big breathing equalizing reservoirs.” Now that these basins are reclaimed, the flood waters no longer have these basins at which to “hesitate” and fill with “a good big drink,” so in place of these floods hereafter traveling by “slow freight,” they now travel by “fast express”; in other words, before reclamation of these basin areas, there were about 518,700 acres in these “equalizing storage reservoirs” with a storage capacity of over four million acre feet of water, while now, remain only some 154,005 acres for that purpose, consisting largely of the by-pass areas. Before reclamation took place, these basins would not

drain dry, sometimes until late in July, large quantities of the water no doubt seeping down into the ground and so maintaining a high underground water table under the floor of a great portion of the Valley. But now, with some 364,695 acres reclaimed, the flood waters passing through by-passes, with deep borrow pits on each side, drainage is rapid and almost 100 per cent perfect and flood waters have no opportunity to seep down in the ground and, in my opinion, this has been a large contributing factor in the rather alarming lowering of the water table, necessitating deeper and deeper wells for irrigation purposes.

Finally, when reclamation took place, the flood control plan with its by-passes were established and in the meantime, the rivers had been previously filled with debris, quite naturally higher flood planes in the rivers resulted. The world war, which brought great demands for products of the soil at very high prices for such products, no doubt resulted in a great deal of reclamation being accomplished which otherwise, would have never been accomplished for many years yet to come. This reclamation which was started in the first place with no comprehensive plan for the needs of the rivers, was what made imperative the flood control plan formulated by Captain Thomas H. Jackson of the California Debris Commission. It was a good plan but in my humble opinion there were some engineering errors made later on, when it was carried out, which, I firmly believe, will be demonstrated some time when a maximum flood occurs on *ALL* the rivers.

However, aside from the subject of this chapter, I am dwelling on “why our present high water mark of 24 feet will be exceeded at some future flood,” and the reasons for making that statement are as follows:

1. In a previous chapter, I have explained that the floods of the Bear, Yuba, Feather and Sacramento rivers would mingle and make an overflow width, west of Nicolaus of about eleven miles; the reclamation of the Sutter Basin has now narrowed that width, just below Nicolaus, to seven thousand feet or less than one and a half miles.
2. I have also explained in that same chapter how these combined flood waters had a free and unobstructed discharge into the Yolo Basin; such is not now the case as the flood entrance to the

Yolo Basin is now regulated by a solid concrete weir, known as the Fremont Weir, which is about 9200 feet long and cost about one million dollars, the crest of this Weir being three and a half feet higher than the bottom of the Sutter 214 By-pass, twenty-four miles upstream at which latter point, the Tisdale By-pass discharges into the Sutter By-pass. Theoretically, the length and height of this Fremont Weir is such that it will not raise the flood plane over what previous flood planes have been before the Sutter By-pass and Weir were constructed; I hesitate to concur with that conclusion and as yet, there has not been a major flood on the four upper rivers at the same time, since the by-pass and this Weir were constructed and only such a flood will give the correct answer.

3. The third and major reason is, the closing off of the escape waters at Hamilton Bend, about four miles down stream on the Feather River from Oroville and where from time immemorial, such waters have been escaping at extreme flood periods, in a westerly direction in the town of Biggs area. The flood control plan, called for levees to be constructed near the westerly bank of the Feather River, for a distance of about six miles but dredgers are now working there and now have possibly seventy-five per cent of the escape waters shut off for the next good flood and in due time, levees will be constructed for the remaining distance which will probably not be dredged but leveed.

The last big flood we had on the Feather River was in 1928 (before any dredging had commenced at Hamilton Bend and the escape waters did a large amount of damage to a large territory of farming land, also to the town of Biggs, as well as to the Southern Pacific and Sacramento Northern Railroads and to the canals of the Sutter Butte Canal Company.

As soon as that flood had subsided, I made a trip of investigation and ascertained that the flood waters had covered the State highway for a distance of about four miles with varying depths from one to six feet. Being desirous to have some estimate of what amount of water escaped in that manner, I immediately engaged Mr. E. A. Bailey (former State Control Engineer) to make an examination and survey; this he did and the final conclusion reached was that approximately 35,000 second feet of water had escaped in that flood and, by the way, this was not a maximum flood on the Feather River, it having been twenty-two inches lower at Oroville than it was in the 1907 flood

and also did not have a long sustained flood, as had been the 1907 flood. This is the reason why all the levees on the Feather River have been raised during the last few years with State and Federal funds in anticipation of higher water planes, than have been recorded in the past.

4. For the three reasons given above, when a repetition of the discharge of the 1907 flood occurs on the Feather and Yuba Rivers, the present high water mark of 24 feet on the D Street gauge (and 24 feet 6 inches on our Feather River gauge) will be exceeded. On the Feather River gauge it is expected the flood plane will be raised an additional twenty inches. This is the theoretical assumption; as usual, the river itself will eventually give the correct answer; personally I am inclined to believe that a duplication of the 1907 flood discharge will exceed those estimates. This matter of a higher flood plane between Marysville and Yuba City should be a subject for serious consideration 215 to those authorities having bridges between the two towns; I have brought the matter to their attention but as yet, without any results. When these two bridges at that location are reconstructed, they should be raised and have not less than fifty foot width for spans.

Being satisfied in my own mind that the closing off of the escape waters at Hamilton Bend will result in a greater increase of the flood heights between Marysville and Yuba City of 20 inches, I have, as fast as State and Federal funds are available, been “slabbing” and raising our levees, from the Jewish cemetery to K and 9th Streets and am planning on similar work from 9th and K Streets to the west end of the 5th Street subway, also the south subway wall, also easterly to the D Street bridge.

NOTE—Since the above was written, the flood of December 1937 has occurred and my prediction of an additional flood height of the Feather River between Marysville and Yuba City of possibly twenty inches has actually occurred, the increased height, however, actually being twenty-four inches; this, notwithstanding the fact that the Feather River at this flood was twelve feet below highest water dam) at Los Plumas Power house above Oroville, and nine inches below high water mark at Oroville. This apparent inconsistency can be explained by the fact that at Los Plumas Power house, situated on the North fork of the Feather River, the Lake Almanor Dam restrained considerable of the discharge from that fork of the river, while the south and middle forks of the

river (down stream, from this (dam) did not have as large or as prolonged a discharge, as in the 1907 flood, when record flood heights were established.

CHAPTER LXXXVII

Early Day Suggested Plans for Flood Control and First Reclamation Board Act

AS EARLY as 1878, C. E. Grunsky, Assistant State Engineer under State Engineer William Ham Hall, commenced investigations and prepared plans for flood and debris control in order to solve the vexed problems which finally resulted in the State constructing brush and earth dams on the Yuba and Bear rivers but which subsequent floods completely destroyed.

In 1880, a plan for a by-pass system was offered by Messrs. Hall, Alexander and Mendell but nothing was done. This was followed by a similar, but amended, plan by Messrs. Mawson and Grunsky in 1894; again nothing was done.

In 1904, Major Dabney, who had at that time had great success in flood control projects in the Yazoo District, adjoining the Mississippi River in Louisiana, was engaged to come to California and plan a flood control plan for the Sacramento Valley. He also made investigations and finally presented what is known as the Dabney 216 Report. Major Dabney made no plans for by-passes, his recommendations were to set the levees back a very considerable distance from where they were located at or near the river banks, in an effort to give more channel way at flood periods. As such a plan would necessitate the acquirement of valuable properties, not only of lands but the improvements on same at an enormous expense, along the river banks for great distances, the plan was not adopted.

It was very fortunate indeed that none of these plans were ever carried out for the reason that none of them took into consideration the volume of flood discharge of which the rivers were capable and as demonstrated later on in the flood of 1907; had they been carried out, they would have proved complete failures.

I was personally acquainted with all of these engineers and when Major Dabney was out here, I made it my business to get in touch with him and have him make an inspection of our Marysville levees and pass his judgment on same. I entertained him for a day here and upon his return to Louisiana, received a letter from him thanking me for the courtesies shown him and paying a compliment to our method of levee building, and particularly for the system of giving proper channel capacity for flood waters on both the Yuba and Feather rivers above Marysville, in marked contrast with the system prevailing on the Sacramento River, where most all levees were at, or close to, the river banks.

It was later on that large capital commenced to be interested in reclaiming large areas of the various tule basins and their proposed plans disclosed that they were not taking any heed of the requirements of the rivers' channel capacity at excessive flood periods. General Will S. Green, publisher of the *Colusa Sun*, had long taken an interest in flood problems and he commenced to advocate in his newspapers that all present and future reclamation districts be turned into one great reclamation district, with one central control of management and with absolute control as to where levees should be constructed in the future. Believing in "Home Rule" in reclamation districts, I commenced to oppose his plans, at the same time agreeing with him that proper consideration must be given to the needs of the rivers at flood stages. I advocated separate and distinct reclamation districts but that the location of any new levees should be under the control of some State authority for necessary approval.

It was at this same time that Captain Thomas H. Jackson of the California Debris Commission was quietly formulating his flood control plan for by-passes after the disastrous experiences of the 1907 flood. I had become well acquainted with the Captain we made a number of trips of investigation on the Yuba and Feather Rivers and I felt highly complimented one day, when at his office, he confidentially showed me the by-pass plan which he was working on. I was immensely impressed with the plan and told him of the idea I had of having some State control over new levees so that all new levees should conform with his plan and called his attention to the fact that tentative reclamation plans were already under way at various places which would interfere with

217 his project; he agreed, but said he had no authority to stop such proposed works. Captain Jackson then finished and made public his by-pass plans for flood control in 1910. The West Sacramento Reclamation District plans were under way and their plans proposed “stealing” a long stretch, about one mile in width of the lowest portion of the trough of the Yolo Basin, just south of the Southern Pacific trestle. I then went and called on Mr. Lilenthal, President of that proposed reclamation and endeavored to dissuade him from extending his proposed reclamation west levee out so far into the Yolo Basin, but without results. I then took the matter up with Senator Boynton of Oroville and Assemblyman Hewitt of Yuba City, Speaker of the House, and Congressman Kent and urged the necessity of action and suggesting, that at the special session of the Legislature, which Governor Johnson was about to call for action on other matters, that his call include some recommendation for State control. At that same time, Congressman Kent came to Marysville for a visit and I broached the subject to him and he stated that he would go at once to Sacramento and see the Governor. He suggested that I do likewise, which I did a few days afterward, but before doing so, I called on Mr. E. A. Forbes, who was then proprietor of the Marysville *Appeal* and presented my ideas and on November 10, 1911 he had inserted an article embodying my views. A few days afterward, on November 18, 1911, I was in San Francisco to meet Congressman Humphreys of Washington at a banquet tendered him at the Hotel St. Francis; this was followed by a day trip up the river to Sacramento on the Steamer *Navajo* to make an inspection of the Sacramento River; there were many notables on board and I had an opportunity to urge my plan for some State control, with the assistance of Congressman Kent, who was one of the party.

Governor Johnson issued a call for a special session of the Legislature on November 18, 1911, and included in his call, his desire for some legislation for a reclamation control body. Under date of November 23, 1911, Mr. Forbes' local newspaper, *The Appeal*, had the following article; —

THANKS TO THE GOVERNOR

“In his call for a special session, the Governor has put Yuba County especially, and the valley in general, under obligations by including in the subjects which the Legislature may legislate upon, the two most important at this time for the valley and this County.

“He has adopted the idea of our W. T. Ellis, Jr., to place the reclamation districts under the control of some State body so that in the future they may not conflict with the great idea of reclaiming the whole valley. Mr. Ellis' views have already been fully set forth in these columns. His position as the greatest expert in the matter in the valley leaves no doubt of their wisdom and it is a subject of general gratification that the Governor has arranged to allow them to be enacted into law at the special session. Yuba 218 County and Marysville is to be congratulated upon having such a valuable citizen as Mr. Ellis.”

On November 27, 1911, the Legislature convened; a Bill had been drawn up creating a State Reclamation Board; the Bill was passed and was approved by Governor Johnson on December 12, 1911.

About five months later, I received a letter from Governor Johnson to call and see him on May 18, 1912; I did so and much to my surprise he handed me his appointment of myself to be a member of the new State Reclamation Board and informed me that the other two members were to be Mr. V. S. McClatchy of Sacramento and Mr. Peter Cook of Rio Vista. Seven days later, (May 25, 1912) we met and perfected organization, Mr. McClatchy being elected President and I was elected Secretary. We were to serve without salary and pay our own expenses and pioneer a thirty-three million dollar project; I did not realize at the time what very interesting and “warm” sessions we were going to have for the next few years. In 1913, the second Reclamation Board Act was adopted, increasing the membership from three to seven, giving additional powers and, this time, making an allowance to each member for expenses. This new Act also created the Sacramento and San Joaquin Drainage District, comprising 1,726,553 acres of which about 500,000 acres were in the San Joaquin Valley.

CHAPTER LXXXVIII

Seasonal Weather Variations and Rainfall Records

OFT times, after a series of wet winters or dry winters or perhaps a series of hot summers or cool summers, various people will remark, “that the weather is changing,” but such is not the case; it is

simply that “history is repeating itself,” changes in various cycles have occurred many times before, and actual “changes in the weather” take many centuries to account for.

It is a well established fact that there have been no material climatic changes in California for at least the past two hundred years. Since the discovery of gold in California, in 1849, much data has been kept from which rainfall curves, etc., may be constructed and which gives a complete history of weather conditions which have existed in California since that date; but prior to 1849, no known records had been kept and which could be available for a study of weather conditions in previous periods.

It is a peculiar condition that although there is a sufficient water supply in the State to meet its ultimate demands, the geographical distribution is very unequal. In the extreme northwestern part of the State, the normal rainfall is about 100 inches annually, while in the desert region, the normal in the southwestern portion there is practically no rain, while in the southwestern portion of the State, where such immense development has taken place, the rainfall and water supply is in short supply. Investigations have disclosed that 37.6 per cent of the State's waters originate in the North Pacific 219 Coast Basin which contains only 1.9 per cent of the agricultural lands, whereas the South Pacific Coast Basin (Los Angeles area), has only 1.4 per cent of the water of the State with 10.00 per cent of the agricultural land and one-half the population of the State. In the San Joaquin Valley, with 36.3 per cent of the agricultural land, there is only 16.8 per cent of the water. We here in the Sacramento Valley area are particularly favored with more than ample water supply, in fact with a surplus when conservation plans are carried out in the future.

The great development in the southeastern portion of the State, the demand for more and more water, made necessary and possible the construction of the Boulder Dam. Previous to that, however, while rainfall records were available for that area since 1850, nothing was known of previous seasons' records except legends passed down by the Indian inhabitants of years of excessive rains and other years of severe drought, in addition to writings left by early explorers such as Fremont, Dana and others.

Then occurred, what to me is quite a remarkable thing; some one conceived the idea that some past history might be obtained from some of the old Mission buildings from records which might have been left by the Padres when, in 1834, the Mexican Government took from the Franciscan Padres control over the Indians and the Mission lands, and the Missions were sold, after having been in existence for the previous sixty-five years. Mr. H. B. Lynch, Consulting Engineer of the Metropolitan Water District of Southern California was, I believe, the moving spirit in placing men to work who found in almost every one of the old Missions, safely stored away when the Padres departed, a mass of records which were highly instructive, enlightening and entertaining. The Padres had plenty of time, they were prolific writers and kept records of almost their daily doings and occurrences, weather conditions, etc., and from all the mass of data, a complete history of climatic conditions was obtained since 1769, when the Spanish Mission Fathers arrived in California. All this information was published in an intensely interesting booklet in 1931. A portion of the conclusions reached were that there had been no material change in the mean climatic conditions of Southern California in the past 162 years. That as to rainfall conditions, however, there had been both excess and deficiencies of greater magnitude than any which have occurred in the past forty years. That the deficiency in rainfall which lasted from about 1822 to 1832 was more severe than has been any occurring since. In a letter by Fr. Sanches of San Gabriel Mission to Fr. Lasuen, under date of April 26th, 1796, the former wrote: "In the year [1795] preceding this, we saw ourselves compelled to send half of the neophytes for some months into the mountains to search for food after the manner of the savages, whilst we maintained those staying here on half rations and a little milk, until the time of the wheat harvest." There are many similar records of great drought and at the same time, the contrary was also true, for in 1825, it is recorded: "The rivers were so swollen that their banks and the adjoining lands were greatly damaged."

The season of 1840-41 was very dry and references appear in the records, for 220 example, "During the winter prior to our arrival in California, that is during 1840-41, there had been very little rain and drought ensued. But little was raised in the Country; horses were thin and poor like most other horses in that dry season."

The above are accounts of Southern California, but General Bidwell who entered the State in 1840, locating at Chico, wrote in his old diary, "THERE HAS BEEN NO RAIN FOR EIGHTEEN MONTHS," so apparently that year drought was State wide.

Then followed a great flood in the winter of 1841-42 and this was followed by a period of subnormal rainfall which lasted for forty-one years or until 1883.

It might be of interest to note that, on December 3rd, 1929, a San Jose newspaper printed the following: "California's unprecedented drought is not unprecedented, but comes on the one hundredth anniversary of one of twenty-two months' duration between 1828 and 1830. This is according to an old newspaper clipping in the possession of Mrs. William Chappell of San Jose. The clipping is pasted tightly in a scrapbook picked up years ago in a deserted mining cabin in a Northern California county. Dated 1864, the clipping refers to 'the great drought of twenty-two months' duration between the rains of 1828 and those of 1830, in which so little fell that every interest in the country suffered.' All the wells and springs of Monterey gave out during the drought and not only had the washing of the town to be done at the Carmelo River, three miles off, but the drinking water had also to be brought for the families."

The year 1919 was a very dry season; the Sacramento *Bee* on August 25th, quoted Major P. M. Narboe, assistant State Engineer as stating that, "it was the driest season experienced since 1877, there being an extreme scarcity of water in both the Sacramento and the San Joaquin Valleys." (I wonder if it was because that was the year the United States "went dry" with prohibition and the whole population, including myself, experienced a "drought.")

So I repeat what I stated at the beginning of this chapter, that statements "that the weather is changing" are not correct; these cycles of a series of dry years and wet years, are simply, "history repeating itself."

Since 1910, we have had a cycle of "below normal" rainfall and snowfall, but the last two winters would make it appear that the cycle is now broken and probably we are now entering into another

cycle of wet years; that, however remains to be seen. The carrying out of the State's Water Conservation Plan is the answer to future protection against some future long cycle of dry years, which without question will surely occur.

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CHAPTER LXXXIX

How I Lost an Opportunity to be Sent to State Prison

IN 1913, a new Grand Jury had come into existence, and one day one of the members, Mr. Ike G. Cohn, a prominent merchant who had known me from childhood, came to my office and said he wanted to have a confidential talk with me. I suggested we talk just outside the office but he insisted that we go to the rear of the store, explaining that what he wanted to talk to me was very confidential and he had "been sworn to secrecy," and that I must treat the information he was about to give me as strictly confidential. He certainly aroused my curiosity and I had not the slightest idea what was on his mind. He then informed me that it was in connection with the three members of the Levee Commission, particularly myself.

He said that the Grand Jury had met that day and that the Superior Judge had appeared before them and had told them it was their duty to indict all three members of the Levee Commission because during the 1907 flood, Mr. John C. White, one of the Commission had sold a lot of shovels and lanterns, etc., and that my father and myself, the other two members of the Commission had also sold a large lot of sacks to the levee for use during that flood. Also, that my father and myself had again, during the 1909 flood, sold a large number of sacks to the Commission, for use on the levee; that it was absolutely against the law for any of the three Commissioners to be interested in any way in the sale of such goods, etc., and demanded that the Grand Jury proceed to bring in indictments against us, particularly as it was a well known fact that we had done these things.

When Ike had finished his story, I told him I appreciated his coming to me and informing me "what was in the wind"; that I had heard "whisperings" in connection with this matter for some time, that it was about time to "shed the light of day" on such matters and bring the whole thing out in the

open and that I wanted him to promise me, that he would tell the Grand Jury that they should bring in an indictment against me personally, because I had really been the one responsible and to use every effort to have an indictment found against me. He was rather surprised at my request, but as I told him that he would be doing me a personal favor, he promised to do so. He afterwards told me that he had done so, but the Grand Jury never took any action. Again, when the Grand Jury for 1908-09 was appointed, the matter was again brought to the attention of this new Grand Jury, and this time, without any names being used, the *Appeal* commented on the recommended action in a news story. But again, the Grand Jury took no action.

Later on, when I left the Commission to become a member of the State Reclamation Board, I had our Levee Commission books experted by Mr. F. E. Smith, for the full 222 time I had been President, and Mr. Smith's report was in very great detail; I had same published in a booklet of 24 pages and issued them broadcast. From same, I give herewith an extract of part of my report, which was attached to the Smith audit, which included some letters regarding the furnishing of sacks, etc.

“You will doubtless remember the high water of March 1907, and may also remember that all telephone and telegraph communications with upper Feather River points, were all cut off and no news of river conditions was obtainable on the evening of the 18th inst. At about 11 o'clock that night it was presumed that the river had about reached its greatest height but about midnight, however, another very unexpected and rapid raise of the river occurred on the north levee. Orders were hastily issued for teams and men to immediately assemble at the Ellis Company store, hardware stores were broken into and shovels and lanterns were obtained and taken to the Ellis store, where sacks were in readiness and within an hour over 150 men with supplies were on the north levee and many more followed shortly. I did not stop to consider the matter of sending about town to see if other firms had sacks for sale; I didn't have time, in fact I never was so busy in my life as I was just then; the Ellis Company I *KNEW* had the sacks for just such an emergency, they were handy, they were wanted P.D.Q. and they went to the front. For many years, it had been the practice of the Ellis Company to keep on hand during each winter season, an average of ten thousand sacks (grain sacks) left over from summer season sales; they were carried by the Ellis Company on their own account, they had their own money invested in them and were only kept in

stock for levee emergency purposes; if not used, they would be sold the following season. Had I been technical and wasted time trying to find sacks elsewhere and then not found them and then had refused to use the Ellis Company sacks because it was illegal to have done so, Marysville would have been flooded that night.”

In 1909, as usual, the Ellis Company had sacks on hand for emergency purposes; the Southern Pacific Company had flood troubles before high water mark was reached at Marysville; they wanted sacks and I refused to sell them, as the following letters will show and which I obtained a few days after the flood had subsided.

Marysville, Calif. Jan. 18th, 1909.

THE W. T. ELLIS CO.

Marysville, Cal.

GENTLEMEN:

This is to confirm the several conversations had with you over 'phone the last few days wherein we asked that you sell us sacks which we desired for use in protecting our embankments and note your reply each time to the effect that you felt compelled to reserve for the City levees all the sacks you had on hand and referring us to the J. R. 223 Garrett Company and the Sperry Flour Company of this City for supplies in this line.

Yours truly,

SOUTHERN PACIFIC COMPANY

R. F. WATSON, Agent.

It then appeared that the flood might be the greatest yet experienced and that we might not have enough on hand, so I inquired about additional sacks, as the following letters will show.

Marysville, Cal. January 20, 1909.

THE W. T. ELLIS CO.

Marysville, Cal.

DEAR SIRS:—

We confirm conversation had with you over 'phone yesterday to the effect that we had sold all the grain bags we had on hand to the Railroad Company with the exception of 1000 sacks and these latter bags, as per your request we will reserve for the Levee Commissioners.

Yours truly,

J. R. GARRETT CO.

By E. B. WILCOX.

Marysville, Cal. January 20, 1909.

THE W. T. ELLIS CO.

Marysville, Cal.

GENTLEMEN:

Regarding your order for bags, beg to advise that we have none on hand, our entire stock having been sold to the railroad company.

Very truly yours,

SPERRY FLOUR CO.

By L. S. HICKS, Manager.

We happened to have less sacks on hand ourselves than usual and that was the reason we not only declined to sell any sacks to the railroad company, but attempted to purchase some additional quantity; I wanted to play safe. We did use a quantity of sacks on the levee that season, but not as many as in 1907, as our levees had been raised in the mean time. What sacks we did use on the Marysville levee we did pay for from the City levee fund. Because of the “whisperings” which had been going on after the 1907 flood, I requested the three above letters, these letters were published in the audit 224 which I had made in 1913 and which I had printed in booklet and issued to the public. That booklet put a stop to the “whisperings.”

The total amount of sacks which the Ellis Company sold to the Levee Commission in the three floods of 1904, 1907 and 1909, cost \$974; there was possibly 10 per cent profit on these transactions; had the \$974 been all profit, the services of the Levee Commissioners might have been worth that much alone for having protected the City from inundation; no doubt, some will criticize that statement. (Criticism is the art of telling other people what to do which they themselves, are unable to do.) I believe that public officials particularly should obey the law; I have always insisted upon that as a public official with other public officials, but when an emergency exists, which requires immediate action to protect the lives and property of citizens, I admit I have “cut red tape” and have violated the law on several occasions and would not hesitate to do the same thing over again, under similar circumstances. I believe that to be just plain common sense, and no one would ever find me pleading “the statute of limitations” on what violations I have been possibly guilty of in the past.

CHAPTER XC

First Training Walls, Above and Below, from Daguerre Point

THE control of the flow of debris in the Yuba River was an early day problem. In 1880 the State Legislature appropriated about \$200,000 for a debris dam, largely through the efforts of W. H. Parks of Marysville, who was the Speaker of the Legislative Assembly.

The dam was constructed of earth, brush, logs, etc., across the river, its north end being at the old Dan Shay ranch, about one and a half miles southeast of the present "Seven Mile House," the south end being where the town of Marygold is situated. This dam was built in one season and just completed before a freshet came down the river and destroyed it. Many efforts were afterwards made to obtain both Federal and State appropriations for restraining works; many engineers and occasionally representatives of Congress would pay us visits; I would always see that they were taken up to Daguerre Point to look over the situation; at times I would take some of them down the river from Daguerre Point to Marysville by rowboats; we always furnished plenty of food and liquid refreshments; they would express their appreciation of the entertainment and be very liberal with their promises but we obtained no appropriations. On June 28, 1901 the Rivers and Harbors Committee of Congress paid us a visit, most of them brought their wives and daughters, their expenses were paid with Federal funds. Plans had formerly been formulated for dams across the river to hold back debris and we were endeavoring to obtain Federal approval of \$400,000 to be matched 225 with \$400,000 from the State of California, on which latter the State had already taken favorable action.

It was a very hot day, the women in the party were entertained by local town ladies at the Rideout Home; all the men were taken in busses and buggies on the north side of the river, where the sites of the proposed dams were, then to Timbuctoo to view the old hydraulic mining pits, then back to Marysville via the south side of the river. They were all out for a good time, the only one of the delegation who attended strictly to the business in hand was Congressman Burton, who always had by his side Colonel Huer, Colonel Smith, Captain Deakyne and Engineer Vischer and those were the ones I stuck close to; the balance had all the "eats and liquid refreshments" on the trip they wanted; we spent about \$1000 that day on their entertainment. We waited for results and I began to get as discouraged as a woodpecker in a petrified forest, but finally in 1902 Congress

approved the project and work commenced on the first dam or “barrier” which was largely a crib dam affair, filled with large rock and which in my opinion promised to be as permanent as a woman's “permanent wave,” and so finally proved to be, as the first freshet period in the river, caused a total failure of the dam. Later on, a concrete dam, resting on piles was constructed; it was a very fine structure, but it also failed in the flood of 1907. Work also was performed on the “settling basin” near Hammonton, a large sum was expended on this project but it proved impractical and was abandoned; the actual fact was, that when this “settling basin” was first planned, the river, in addition to moving large quantities of fine sand and gravel, was also moving great quantities of fine silt “slickens,” carried in suspension and it was this latter material which it was planned to have “settle” in the artificial settling basin. Such a long time ensued, however, after the plans were made, and were finally carried out, that in the meantime, this flow of “slickens” had largely been exhausted and only sand and gravel remained to be carried down the river and these latter materials were too heavy to be carried into the settling basin through the intake gates. By that time the greater portion of the \$800,000 had been expended and without any beneficial results. It was then decided to make a new artificial river through a “cut” to be made in Daguerre Point, the upper end to be protected with a concrete “lip” about 660 feet long, the crown to be about twelve feet above the old river bed and in that way reduce the slope of the river and impound debris. Gold dredging had commenced shortly before this and an arrangement was made with that company to build a dam from the south end of Daguerre Point to the river's south bank, (where Hammonton now is), this dam to consist of dredge piles. When this was accomplished, the entire river was then diverted through the artificial “cut.”

This work was performed by the dredger company without cost to the Federal Government, the dredger company obtaining its reimbursement and profit from the gold recoveries. This “cut” was and always since has been a great success.

Still later on, the river area upstream from this “cut” was mined by dredgers the work 226 being performed so as to leave two parallel channels for a distance of about three miles upstream, where they joined, making one channel as the river became narrow. Finally it was planned for one large channel, 2000 feet in width, down stream from Daguerre Point; the dredger company

agreed to construct a dredge wall on the south side of the river for a distance of about two and a half miles, while on the north side, the California Debris Commission let a contract to A. Munson of Stockton to construct an earth levee on the north side of the river for a distance of about two miles. When this work was performed and when the first good flood occurred, the river having a fall of about nine feet to the mile, the attempt was made to reduce its gradient, by running in curves or “zigzag” and this resulted in a break in the north earthen levee. Arrangements were made for repairs, and a contract let to A. Munson in the sum of \$50,000. Before he commenced this work, I had ascertained that the dredger company had plans for the construction of a new dredge so I immediately took the matter up with them and suggested that they construct this dredge about where the levee had failed and replace about one mile of the down stream portion of the earth levee with a dredge embankment; take over the contract which Mr. Munson had for the job, pay him his contemplated profit, he not do any of the work himself. Approval to the plan was obtained from the Federal Engineers, Mr. Munson turned over his contract to the dredge company for \$15,000 profit and the dredge was built and reconstructed the lower portion of the training wall with a cobble embankment; this took about a year to complete. When this job was to be completed, it was then planned by the dredge company to take its dredge across the river to the south side where their main holdings were, but the job which they had performed on the north training wall looked so substantial, that before the job was finished I took the matter up with the dredge company to see if it was not possible to have the dredge continue upstream the remaining distance to the main hill and replace that portion of the earth levee with a dredge embankment also. I was told by Mr. W. P. Hammon that the values which they had recovered had been very “lean” as compared with the south side of the river and that the proposal was not attractive, but that if I would purchase the right of way for the job at no expense to them and they would be permitted to retain the gold recoveries, and if I would also raise a bonus of \$45,000 in cash to be paid them for doing the work, his Company might be interested. I then contacted the California Debris Commission, dwelt on the advantages of having a dredge embankment in place of an earth embankment, as unquestionably, if the earth embankment was repaired, it would no doubt at some future time fail again and so cause the Government more expense for repairs; this resulted in the California Debris Commission agreeing to advance the \$45,000 requested of them. I then proceeded to attempt to obtain a right of

way for a strip of ground upon which the dredge could operate in building the rock wall. This was largely one private holding belonging to James o'Brien, Sr., of Smartsville and after considerable negotiations, was successful, but had to agree to purchase the entire large 227 holding. The entire cost was approximately \$15,000 of which \$10,000 was paid to Mr. o'Brien; I "passed the hat" and obtained the money, a contract was drawn up between the dredge company and the California Debris Commission and signed, the land was paid for and the dredge continued on its way on the job; this took about another year to perform and when completed, the dredge crossed south to the opposit side of the river. Shortly afterwards, I sold the area which had been purchased for the \$15,000 but not dredged, for \$7,500 and refunded that amount to the original donors.

We were congratulating ourselves on having obtained a dredge levee, about two miles long and which closed off the main branch of the river known generally as the "Kupser channel." This for many years had caused us lots of trouble and worry as it extended for a long distance, immediately at the base of our levee, for a distance of about three miles and the river had gradually built up its bed there until at one point, where the Browns Valley road leaves the base of the levee (about two miles east of the City limits), the bed of the river was thirteen feet higher than the farming land on the north or land side of the river. (This is the same situation there today, but the main river channel now is about three-quarters of a mile distant to the south and in subsequent years the river has scoured to such an extent that flood waters no longer reach our old levee at this place.)

Later on we found that we had been congratulating ourselves too soon, when a succeeding flood broke this cobble training wall, which had looked to us like a "rock of ages." The reasons for this failure and how those difficulties were taken care of, will be explained in the next chapter.

CHAPTER XCI

Construction of Two Parallel 750 Foot Channels Down Stream from Daguerre Point

AFTER the failure of the cobble training wall on the north side of the Yuba River channel, it became very evident to me that these dredge built training walls, while they appeared strong enough to withstand any floods, the fact remained that if flood waters did not run parallel with them, but on

the contrary, if the river current flowed in an irregular manner and the current struck the walls at a sharp angle, “they would melt away like a brick of butter on a summer day.” Therefore I came to the conclusion that the only thing to do to prevent the river running “zigzag” within the 2000 feet width between these training walls, was to have that entire area dredged, the dredge to be equipped with “side stackers” so as to construct two parallel channels, in which the flood waters would be compelled to run parallel with the banks and have no opportunity to “side swipe” the walls and endanger them, these channels to be about 750 feet in width.

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I took the matter up with Colonel Rand of the California Debris Commission and he disapproved of the plan; I had him come up and look over the situation on the ground but he still declined to approve; I persisted for about two years but without results.

Colonel Rand was then transferred to some other post and Major U .S. Grant III took his place on the Commission. I then took the matter up with Major Grant; he came up and looked over the situation and immediately was “sold” on the plan but said “I thoroughly approve the idea but it will take a lot of money for such a big job and we have no money available for such a purpose”; I told him that all I wanted was his approval and no money; he replied, “You have the approval, now it is up to you to hustle up the money for rights of way and arrange to have the dredger company enter into an agreement with the Commission for necessary permits.”

Having obtained the approval of Major Grant, I then took the matter up by letter with Mr. W. P. Hammon, representing the dredger company. Under date of July 7, 1922, Mr. Hammon replied, stating in his letter that “the proposition as it has been presented to us thus far does not appeal to us very strongly”—“it will be necessary for you to obtain all necessary rights of way, in addition to long term options on some of the lands further down stream, etc., before we would care to go into this matter further”—“in other words, Mr. Ellis, when you have all necessary rights of way, options, etc., covering the tentative proposition for river improvements, etc., then and not until then, will we go into this matter fully with you.”

This put me up against rather a difficult proposition and for some months, I was carrying on negotiations between the California Debris Commission and Mr. Hammon but finally an agreement was arrived at. This agreement between the dredger company and the California Debris Commission was consummated in December 1922; in the meantime, I had obtained agreements from the several private property owners to purchase their holdings in the river channel; it was practically worthless land, being almost entirely sand and gravel but nevertheless I had to "pass the hat" and obtained the necessary money for same, amounting to about \$40,000 while the California Debris Commission finally agreed to contribute some \$40,000 towards the work. It took a lot of time and complicated negotiations before everything was arranged for and a dredge started on this work. In 1924 construction of these two channels was commenced taking about nine years to complete.

The first real test was in 1928 when the flood occurred; only the north channel being completed at that time, the dredge being at work on the south channel which was blocked on its upper end. This 1928 flood, which was a maximum one, discharged 140,000 second feet of water through this north 750 foot channel, doing no damage to the side walls because the flood was confined and compelled to flow parallel with the side wall cobble banks. Upon completion of the agreements for the doing of this work, just mentioned, I received the following letters:

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San Francisco, Calif., December 13, 1922.

Mr. W. T. Ellis,

Marysville, Cal.

DEAR MR. ELLIS:

We are in receipt of your letter of the 12th instant in which you state that we are in no ways indebted to you for the work which you have done in the acquisition of deeds and options to the various property in the Yuba River bottom west of Daguerre Point. We fully realize the amount

of work you have done and the time you have devoted to carrying out this project, and the attitude you take is both public spirited and generous. We, for ourselves, cannot thank you too much and we believe Major Grant not only fully appreciates all you have done, but will agree with us that the negotiations which you have so successfully carried through could not have been accomplished by any one else, and we know that Mr. Hammon will want to express to you his thanks at the first opportunity.

Very truly yours,

HAMMON ENGINEERING COMPANY,

Mines Operating Dept.

By CHAS. W. GARDNER.

San Francisco, Cal., January 30, 1923.

MR. W. T. ELLIS,

Marysville, Cal.

MY DEAR MR. ELLIS: *Subject: Acquisition of property rights for the South Training Wall, Yuba River.*

1. Your letter of January 25, 1923, seems to be the final proof that you are quite a wizard in arranging things and I am very much obliged to you for your cooperation and help in obtaining the rights of way and easements necessary for us to insure the ultimate construction of the South Training Wall in the Yuba River.
2. Immediately upon receiving your letter I tried to get into telephone communication with the Hammon Engineering Company and after some little delay, was finally assured by Mr. Gardner that

the Kupser property option was being taken up yesterday, Monday. This information I included in my telegram last night.

Yours truly.

U.S. GRANT, 3RD,

Major, Corps of Engineers,

District Engineer.

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CHAPTER XCII

Benefits of Dredge Mining on Yuba River

DREDGE MINING on the Yuba River commenced in 1904. The first boats mined about sixty feet deep, but they now have one which mines about one hundred and thirty feet deep. This is the largest in the world. The altitude where this boat is dredging is approximately one hundred feet above sea level, so this dredge is digging about thirty feet below sea level and from borings which have been made, the gravel is still at a greater depth. In fact, tests disclose one hundred and eighty feet of gravel, how much more is unknown. There is a probability that all the dredged area will be redredged, in fact a considerable area has and is being re-dredged, the advanced price of gold being a contributing factor.

When these dredging operations commenced and had been in progress for some time, our citizens, because of past experiences with hydraulic mining, were still “anti-mining minded” and discussions arose as to whether these dredgers would in their digging operations, loosen up a lot of material which would be brought down the river and deposited and still further raise the river bed at Marysville which had been steadily raising for many years as shown by the cross-sections which I had been having made each year. At first I had the same thought in mind but I was constantly visiting the boats, watching their operations and ascertaining what their plans were and came

to the conclusion that these operations would not have the effect of assisting the river to move greater amounts of debris down the river but that, on the contrary, they would be able eventually to impound perpetually the greater portion of the three hundred millions of mining debris, which the Government reports showed was in the river overflow area between Marysville and Daguerre Point.

These murmurings on the part of many of our citizens finally culminated in a call for a mass meeting of citizens to consider the matter and at that meeting, some of the more rabid citizens demanded that a resolution be passed condemning dredge mining and that legal steps be taken by the Anti-Debris Association to stop this type of mining, etc. I was sitting in the rear of the hall, taking no part in the proceedings but was finally called on, which I had been rather expecting. There were about two hundred citizens present and my first words were, "How many in this audience have actually been up and viewed these dredge operations, those who have, please hold up their hands." There were about ten hands raised; I then asked those who had raised their hands to get up, each in turn, and explain just what the dredgers were doing; several attempted to explain but it was quite evident they did not know exactly what was being done. I then stated that I had made many personal observations and had come to the conclusion that this mining was going to be beneficial and not detrimental and suggested, that as 231 the large majority present evidently knew nothing of the situation, it might be well to adjourn the meeting until the next evening and that next morning, as many as could, make a trip up to the dredgers and see exactly what was going on and then form their own conclusions. Then if they thought it the proper thing to do, at next evening's meeting, pass such resolutions as they thought proper. My suggestion prevailed and the next morning a cavalcade of buggies, busses started to the scene of operations, were shown everything to be seen, were shown that the fine material which was dredged was first deposited behind the dredger and then "weighed" down with the gravel and cobbles so that it would be impossible for this material to wash down the river. It was also explained that these dredgers could operate in such a manner that the various river channels could eventually be effectively controlled, etc. That evening, the mass meeting was again held and resolutions adopted to the effect that dredge mining on the Yuba River was not harmful and could no doubt prove very beneficial. That was about thirty years ago and ever since, there have been no complaints made locally about this type of mining.

Since that time, there have been sporadic attempts made in the Legislature to curb or prevent this type of mining but never with any success.

A Sacramento newspaper, had for a number of years, from time to time, contained editorials against dredge mining and finally on December 21, 1936, instructed their local representative to call on the County Assesor to ascertain what amount of assessed valuation and taxes had been lost in Yuba County because of this mining, how many acres had been dredged and what percentage of these lands had been suitable for grain, fruit, grazing, etc., etc. The County Assessor, Mr. J. U. Pearson, called me into consultation and together we dug up all the information we could obtain which was then formulated into a letter, which Mr. Pearson addressed to this Sacramento paper as a reply.

It was shown that during the past thirty odd years of dredge mining on the Yuba River that approximately nine square miles had been dredged out of the 630 square miles in the County.

That when dredging had commenced, the greater portion of this area had been “waste” lands, covered with mining debris, the balance being “marginal” lands, fit only for grazing principally.

That previous to dredge operations, the old assessment rolls showed that the greater portion of this area had been assessed at about ten dollars per acre.

That as a result of dredge mining with the resultant concentration of the river in one main channel, that this main channel had scoured about twenty feet, and that a very large area of debris covered lands, thickly grown up with brush and timber, was kept from overflow at flood periods with the result that these large areas had been cleared of brush and trees by the owners, placed in cultivable condition, orchards, vineyards, alfalfa and other crops were now being raised on these lands and the old assessment had 232 been raised from about \$10 per acre to an average of about \$80 per acre, which latter did not include further assessments on “improvements.”

That as a result, in place of there being reduced assessments and loss of taxes in Yuba County because of dredge mining, there had been an actual increase of about \$400,000 in the assessment roll and a corresponding increase in taxes received.

Also, as result of these mining operations, that during the last 32 years of operations, over \$10,000,000 had been expended in wages besides and expenditure of some \$12,000,000 for capital investment, which also included a large proportion of labor.

This Sacramento paper then had a representative sent up from Sacramento to check up on this letter; he was shown all over the situation and returned satisfied and presumably so reported to his newspaper as nothing more has been heard from them.

The fact is, that dredge mining on the Yuba River, resulted in very efficient debris control; it also resulted in safe flood control to the levees on both banks of the Yuba River, from Hammonton westerly to Marysville, in fact, it made obsolete, about five miles of the easterly Marysville levees and a similar length of levee on the south bank of the Yuba River.

CHAPTER XCIII

Right of Way Agent for Western Pacific Railroad

WHEN the Western Pacific ran surveys for their railroad, they had two tentative plans with two different surveys north of Marysville. One survey was for a line where the road is now constructed; the other was more to the west. Both plans, however, were with the idea of having the railroad run north and south through Marysville on F Street. This latter was objectionable to the public and I went to San Francisco to consult with the railroad official who was in full charge at that time. It was pointed out to him that the easterly survey north of town would be beneficial in reclaiming more lands north of the City, if they constructed an earth embankment (which they would in any event have to do to keep out of floods) and that it could form a back levee and that the land owners to the west would probably form a reclamation district and build up other levees to the north, west and south, enclosing some 10,000 acres; that in the past, these land owners had constructed a poor

system of levees on the east bank of the Feather River but had no protection from the rear, and that, if the railroad company would co-operate, that probably the east survey for a right of way could be obtained at very reasonable prices from the respective land owners.

I also pointed out the objections of the public to having the railroad bisect the town on F Street, that I was President of the Levee Commission and could use my influence to get them a free right of way on the top of our westerly and north levees in return for a guarantee for maintenance for fifty years. This resulted in conferences in Marysville; and finally agreements were executed between the railroad company, the Mayor and 233 Council and the Levee Commission, and franchises were given. We did not know at that time just what financial interests were behind the proposed new railroad, but later on it developed that the Gould interests were planning for a transcontinental railroad in opposition to the Southern Pacific Company, and when actual construction was about to commence, Mr. V. G. Bogue was placed in full and complete charge.

I made it my business to get acquainted with Mr. Bogue, reviewed the situation about the two surveys north of town and this resulted in an offer to appoint me right of way agent for Yuba County. I accepted the position, as I felt that I could be of assistance to them and obtain some favors for the City and the Levee Commission in return.

In answer to my question as to just how I was to proceed, Mr. Bogue stated that his engineers would give me the legal descriptions of the rights of way wanted over various private property and that I was to make my own agreements about prices to be paid to the owners of said property; and, when such agreements were made, their local attorney, W. H. Carlin, would draw up the deeds and have them properly executed; then I was to pay the owner with a draft drawn on the Treasurer of the Company in San Francisco, and it would be honored. I then asked him about what price he would expect to pay per acre plus any severances or damages. He replied, "We will expect you to get these rights of way as cheaply as you can and will leave the matter of price to your own good judgment and, if you succeed in getting all these rights of way for an average price of one hundred dollars per acre, we will be mighty well pleased." I told him that was all I wanted to know.

I was busy with the store those days and could work on this new job only at odd times, mostly Sundays. It took me several months but, when I had finished the job, I had obtained the rights of way through Yuba County for an average of \$42 per acre, and Mr. Bogue was immensely pleased. He then wanted me to buy their rights of way through the City of Sacramento, but I informed him that I could not spare the time from my private business. He had been paying me \$150 per month for my services and told me I could name my own salary if I would tackle the Sacramento rights of way; but I told him that, while I had perhaps been able to make a record in Yuba County where I was personally well acquainted with the land owners, I surely could not be so successful elsewhere.

I really had an interesting time buying these rights of way through Yuba County. The automobile was then a new thing, there were only about a half dozen in Marysville and many people had never seen one. There was only one in town for hire. This was a small Oldsmobile, with one seat, a dashboard in front and a small open box in the rear; it was guided with a long stick as a handle; I believe it had one cylinder, and it sneezed and coughed like a consumptive, but could travel at the high speed of twenty-five miles per hour. The owner did the driving and charged me \$20 per day. It saved me time, however, over a horse and buggy and was of material assistance in getting rights of way. When I called on some ranch owner with this machine to talk right of 234 way with him, I soon found out that, to first take the family out for a ride of one or two miles or so and give them a “thrill” by having their first ride and going so fast, permitted me to come to agreements quickly and satisfactorily. If there was some hesitation about signing up deeds, which there was in a couple of cases, I promised to come back soon and give them a ten mile ride. That settled the deal and I afterwards kept my promise.

A few years afterwards, I was calling on the Western Pacific office in San Francisco and one of the officials reminded me of my expense accounts with the charge of \$20 a day for an automobile and said that when several of these charges had come through, an auditor had complained of my extravagance, that I could have hired a horse and buggy for \$5 a day, that he had mentioned the matter to Mr. Bogue who had remarked, “Hell! Leave him alone. See what he is getting those rights of way for us for.”

North of town, by making promises that the railroad would be on a high earth embankment, which could act as a back levee, I obtained several miles of right of way for only the nominal sum of \$10 per deed. This back levee being furnished, induced the land owners to form what is now known as Reclamation District No. 10.

After the railroad company had obtained their franchise on the levee, they planned to follow on top of the Yuba River levee to the foot of about B Street and then have a bridge across the Yuba River, quite close to the Southern Pacific bridge, the passenger station to be on top of the levee at the foot of E Street, and franchise was granted them under that plan. We soon realized that we had made a mistake, that this passenger and freight depot, being so close to the D Street bridge, the bridge would at times be blocked by standing trains to the great inconvenience of traveling public. In the meantime, the freight building had been constructed (now occupied by the Marysville Fuel Co.), so we had meetings with the Mayor and Council and the suggestion was made that a passenger and freight depot be erected on top of the levee at 5th and K Streets, so that it would be convenient to both Yuba City and Marysville. The company's officials were not in a very receptive mood but they finally agreed when I suggested that the City give them, free of charge, quite a large area on the south side of Third Street, between Orange and J Streets, which could be used for future side tracks, etc. This area I had purchased when I was Mayor from Chas. Covillaud, Jr., for the sum of \$200 and had then resold it to the City for the same amount; but when I sold it to the City, I had placed a reservation in the deed to the effect that it was to be used for the sole purpose of furnishing material to the citizens free of charge so that they could obtain material for filling in their slough lots, which work was then under way, and, if the area was used for any other purpose, it would revert back to me. This difficulty was overcome, however, by the City deeding the area back to me and I, in turn, deeding same to the Western Pacific without any consideration. This area is now where the Ball Grounds are situated with the permission of the railroad company. My employment with the Western Pacific Co. lasted about twelve months.

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CHAPTER XCIV

State Reclamation Board

THE FIRST two years on the Reclamation Board were rather hectic; many complicated problems came before the Board for solution, and decisions, after hearings held before the Board, had to be rendered. The Board's powers were limited, being confined in effect to passing upon reclamation plans with the purpose of preventing construction of levees which would interfere with the flood control project. Many applications for reclamation were received, hearings held and in almost every case, there was a division of ideas on the part of the interested land owners; each side would be represented by lawyers and engineers and these hearings became quite animated at times and very considerable feelings manifested. The Board would take such applications under consideration and when so considered by the Board members, at times there was also a divergence of opinion between the Board members themselves which resulted in very animated arguments and final decisions were not always unanimous.

One of the problems which came to the Board at that time was the location of the Sutter By-pass in the application of the Armour interests for the reclamation of about 40,000 acres of the Sutter Basin. The original plans for the by-pass provided that this by-pass follow the trough of the basin, extending southerly through the center of the proposed reclaimed area, making for two reclamation districts, on the east and west sides of the proposed by-pass; application was made before the Board under this plan and was taken under consideration and was being considered favorably but when the Board was ready to take favorable action at the following meeting, the application was withdrawn and was followed by a new application, which called for a shift of the by-pass from the original central location, to a new easterly location so as to permit of there being one large reclamation district in place of two divided reclamation districts.

When finally a hearing was held on this new plan, the land owners in Reclamation District No. 1, of Sutter County, an old established reclamation district, immediately made strenuous objections to the plan and "the war was on" in earnest. The three Board members, feeling that they were more or less a judicial body, listened to both sides, expressing no opinions but endeavoring to bring out full information, in fact, the three Board members themselves did not commit themselves as between

each other. When the matter finally came up before the Board to make a decision, the vote disclosed that Mr. McClatchy and Mr. Cook were in favor of the change while I voted against the change in the by-pass location. I had previously prepared a long written argument, giving my reasons for my opposition to the application, which was afterwards printed in a booklet and circulated quite extensively.

As a result of the Board's action, suits were commenced to prevent the newly adopted 236 plan by the interested land owners of Sutter County; the matter was also brought up before the Legislature and for about five years the contest raged before two legislatures and in the Courts before the matter came to a final decision by the Supreme Court of the State, which upheld the decision of the majority members of the Reclamation Board.

It was a mighty interesting fight; at joint meetings of the two houses of the Legislature, to listen to the arguments from both sides, the Assembly Chamber would be crowded with spectators, but each time, it was quite apparent that the legislators, after listening to the arguments, pro and con, were "all at sea" and did not understand the problem any better after these hearings than they did before they were held.

Mr. William Kent of Marin County was Congressman from this District at that time; he had been elected to Congress an "Independent" and could afford to be independent as he was very wealthy. He became interested in the controversy and came to Marysville to see me and get information, bringing with him a prominent engineer, Mr. Dockweiler. We met in Mr. Kent's room in the hotel here in July 1916 and he had employed a young lady stenographer to take full notes of the proceedings. Several hours were taken up, both Mr. Kent and Mr. Dockweiler asking me questions and I giving the answers. When the meeting was over, Mr. Kent instructed the young lady to type up her stenographic notes and send same to him. A few days afterwards, I received a letter from Mr. Kent stating that the stenographer had written him, stating that she could not comply with his request because she was unable to decipher all of her own stenographic notes and expressing his disappointment. I wrote him in reply, stating that I was quite certain that I could remember all the questions which both he and Mr. Dockweiler had asked me and if he was agreeable to me doing

so, that I would write up a record of the meeting, showing the questions which both he and Mr. Dockweiler had asked and the answers which I had given. This was agreeable to Mr. Kent and I proceeded to do this work for him and sent copies both to him and Mr. Dockweiler. In a few days I received letters from both of them; Mr. Dockweiler was immensely amused; he said that the questions which I showed he had asked me, would indicate that he had a knowledge of the problem which he knew he did not possess; as for Mr. Kent, he stated that for the first time, he had a real understanding of the problem and was going to be on “our side” and do what he could to render assistance; that he had ordered several hundred copies printed in booklet form and would have them distributed quite generally where they would do the most good. He had copies placed on the desks of each member of the Legislature for their information. When this was done, Mr. McClatchy in an effort to counteract the effect the booklets might have, instructed Mr. E. A. Bailey, State Flood Control Engineer to get up a counter report in reply and this was also printed and circulated.

I doubt if there ever was a controversy before the Legislature which was so confusing to the average layman as this Sutter By-pass fight; at the same time it attracted 237 State-wide attention with divided opinions but in Yuba and Sutter Counties, the people were practically unanimous for the originally planned, central location for the by-pass. It was a long-drawn and hard fight and our side lost by a Supreme Court decision, and which, “boiled down” to plain words, was to the effect that while the proposed central location of the by-pass followed the natural and well established drainage alignment, still, the diversion of this drainage, if conducted on the proposed eastern location of the by-pass, on higher ground was “equally as good drainage,” notwithstanding the fact, that it would result in a higher flood water plane, a longer by-pass, the discharge of about five-sixths of the Sacramento River flood water into the Feather River, in place of directly into the upper end of the Yolo Basin,” etc., etc. It always appeared to me to have been an illogical and “far fetched” decision and from an engineering point of view, an unfortunate one and I still hold to that idea and that it will be so demonstrated some day when a “super flood” occurs, which it surely will some day. When that time arrives, I firmly believe that my views are correct, particularly that since then, the Fremont Weir at the intake of the Yolo Basin By-pass has been constructed; that weir is about 9000 feet long, is built of solid concrete, the greater portion of the Bear, Yuba, Feather and

Sacramento rivers have to escape over its crest into the Yolo By-pass and the crest of that weir is three and a half feet higher than the bottom of the Sutter By-Pass, 24 miles upstream. I objected to this planned height when it came before the Reclamation Board for approval, but again I was on the losing side. Time will tell who is right and some day we will get the answer, but it is a remarkable fact, that since the Flood Control Plan in the Sacramento Valley has been practically completed, at an expense of over fifty million dollars, there has not been during that time a maximum flood occurring on all the rivers at the same time, so the plan has yet to be given a test for its efficiency.

When a general heavy storm occurs on all the watersheds of all those rivers, it takes about ten hours for the American River to reach its crest at Sacramento and that City is within the tidal prism; again, the Sacramento River under the M Street bridge has a capacity of only some 110,000 second feet, while the American River has a discharge of about 140,000 second feet, and to care for this anomalous situation, the Reclamation Board had constructed, about four miles upstream from Sacramento, at Bryte's Bend, the Sacramento By-pass, with weir and gates, so that the excess waters from the American could "run upstream" four miles and then be discharged into the Yolo Basin and relieve the pressure against the levees at Sacramento. In 1928, the American was in full flood, the apex reached Sacramento in about ten hours and touched highest water mark; they got excited and opened the gates at the Bryte's Bend weir, but the river did not fall, it simply "slowed up" the rise in the river and, remember, that it took another two days about for the waters of the Bear, Yuba and Feather rivers to reach that point and still another additional two days for the Sacramento River waters also to reach there. Had there been a second storm, say six or seven days after the first storm, on the 238 American River and the second flood flow on the American River had met the arriving waters from the other rivers above, then with the Yolo Basin By-pass having been filled with water from the excess waters of the first storm on the American in the meantime, and with possibly a full moon, with resultant high tide and with a 50 mile south wind, which is not unusual, this combination of circumstances (which partly happened in 1904), would, I predict, cause the loss of proper functioning of the Bryte's Bend By-pass, with what results—well it's any one's guess.

During the ten years I was on the Reclamation Board, we had many very animated arguments over many complicated problems which came before the Board to be solved; these arguments were

generally between McClatchy, Cook, Atherton and myself as the others had but little first-hand practical knowledge of conditions generally, but they “held the balance of power,” when it came to voting.

They made several engineering errors of judgment, which I failed to prevent but which some future flood will demonstrate; at least, that is my firm opinion.

CHAPTER XCV

Congressman Kent's Public Hearing at Marysville, November 9th, 1915

CONGRESSMAN KENT being considerably confused by the reports he received, pro and con on the proper location of the Sutter By-Pass controversy, he arranged for a meeting to obtain information. The following is a copy of the “corrected” stenographic notes taken at this meeting, all of which was afterward published in pamphlet form and distributed by Mr. Kent:

MR. KENT: On request of persons interested, I came to Marysville to look into the question of the changing of the location of the Sutter By-Pass project. I requested Mr. Dockweiler, a resident of San Francisco, and another engineer, Mr. O'shaughnessy, to come with me; the latter found it impossible to be on hand. I wish to introduce Mr. Dockweiler. Mr. Dockweiler, kindly state your name, occupation, etc.

MR. DOCKWEILER: My name is J. H. Dockweiler; I am a resident of San Francisco and have been for the past 12 years serving as engineer to the City Attorney, Mr. Percy E. Long, of the City of San Francisco, on matters of water supply, and for 9 years I have been Consulting Engineer to the City Council of Oakland on water supply and matters connected therewith. For several years, in the capacity of Civil Engineer, I have been connected with various water supply and irrigation projects of the City of Los Angeles and vicinity.

MR. KENT: I think that the best way that we could get into this matter would be for Mr. W. T. Ellis, who is a member of the State Reclamation Board, to make a general statement regarding the

by-pass situation and then, after Mr. Ellis has finished, I 239 should like to have Mr. Dockweiler ask questions. I would also like to hear from any other persons who are interested in the matter under investigation and discussion.

MR. ELLIS: You are, of course, all familiar with the general plan of flood control formulated by Captain Jackson of the California Debris Commission, which plan was officially adopted by the State of California, and a State Reclamation Board was created to carry same to actual completion. It will not be necessary, therefore, to dwell upon this general plan and which, by the way, every member of the State Reclamation Board is heartily in favor of, and is doing their utmost to carry out; in other words, there is no division among the members as regards the general flood control plan; the only division has been regarding a change in the detail of the plan, in the Sutter Basin and which involves the location of the by-pass which is necessary there for flood control. The original plan of flood control formulated by Captain Jackson contemplated that this by-pass be located in the natural trough of that basin and on what is generally known as the "Central location." Afterwards, this location of the by-pass was abandoned by the majority members of the State Reclamation Board (which at that time consisted of V. S. McClatchy, Peter Cook and myself), and the by-pass located on what is generally known as the "Eastern location." This abandonment of the Central for the Eastern location was without my approval; mainly, for the reason that it was a radical departure from the basic principle laid down in the original plan of Captain Jackson and which was, that all by-passes should follow the "natural thoughts" of all the great basin areas. For confirmation of this one has only to refer to Document 81, 62nd Congress, 1st Session; particularly to pages 2, 3, 4, 5 and 37; on the latter mentioned page Mr. H. H. Wadsworth (the engineer who performed the larger portion of the detail work on this plan) states: (see line 1 of page 37) that "by-passes should occupy the troughs of the basins," etc., etc. This recommendation is only in line with good common sense, and good engineering is only the application of good common sense to a problem. To oppose the natural laws and the habits of the flow of a large volume of water (in this case estimated to be, at flood stage, 220,000 sec. ft.) is a most serious problem and experience should teach us that in deciding upon plans for the control of flood waters, that the factor of safety must well be considered; and when any doubt exists, the decision should be on the side of "Safety

First” and with the ideas of increasing, not decreasing the factor of safety. This shift in the by-pass was recommended by the State Engineering Department of the State of California, but the report attached herewith of the Federal Engineer, Major S. A. Cheney, representing the California Debris Commission (Federal Engineers), was to the effect that either the Central or Eastern location was satisfactory to the Government, as the Government was *not* interested in reclamation but was only interested in the navigation features; at the same time, however, Major Cheney called attention to the greater flood heights which would ensue in the Eastern location over what could be expected in the Central location. While Major 240 Cheney did not deem it his duty to go further than give this latter warning, and looking at it from the Government's point of view, reported that either location was satisfactory to the Government, still, for an actual fact, he was really favorable (from the point of view of a practical engineer) to the Central location. For proof of this statement see attached letters from Mr. V. S. McClatchy and W. T. Ellis to Major Cheney, and also, Major Cheney's reply to Mr. McClatchy.

MR. KENT: Mr. Ellis, did you ever make any reports and arguments which would sustain your position as favoring the Central location of the by-pass in the Sutter Basin?

MR. ELLIS: I did, and they were published in pamphlet form, with a report of Engineers J. C. Boyd and Otto Von Geldern, also favoring the location of the by-pass in the Central location. These pamphlets (there are three of them) I have with me and am now pleased to give them to you. These reports give, in detail the many reasons why the “Central location” is preferable to the “Eastern location” and they will speak for themselves.

MR. KENT: I would like to ask, was there ever an application for reclamation of the Sutter Basin, based on the Central location of the by-pass as originally planned?

MR. ELLIS: Yes sir, there was. This application was made on September 4, 1912, to the Reclamation Board by J. P. Snook and Granville Moore for a Reclamation District of 35,000 acres lying between the Central location of the by-pass and the Feather River, with a request to ensmall the Feather River overflow channel to 1250 feet. Further hearing of this application was

had on September 24, 1912, at which time Mr. W. E. Gerber and others were also present and were favoring the application. At another hearing before the Reclamation Board on September 29, 1912, on this same application, Major S. A. Cheney, of the California Debris Commission, made a report under date of October 2, 1912, and therein called attention to the fact that the proposed reclamation encroached upon the Central by-pass location, some 300 yards; so, adding about 1300 acres to the reclamation. Major Cheney's comments in his report are as follows: "The lines as laid down in the flood control project are better for the following reasons: 1st, they follow more closely the trough of the basin. 2nd, they will cause no choke at the crossing of the S.P. Co.'s tracks. 3rd, they divide the acreage of the Sutter Basin more equally, etc. It is considered that the flood plane elevations of the flood control project *are as high* as should be permitted here, and to insure their not being exceeded, the levee alignment given in the flood control project should be followed."

From this you will see that Major Cheney also favored following the line of policy originally laid down by Captain Jackson when he formulated the by-pass plan and which contemplated the by-passes following the natural troughs of the various basins.

MR. KENT: At the time this application was being made for permission to reclaim on the lines of the Central location of the by-pass, was it understood that these lands on the Eastern side of the by-pass had been purchased and were owned by the applicants?

MR. ELLIS: No, not at the time the first application for reclamation was asked for, 241 but on November 19, 1912, the Reclamation Board was advised that a large acreage of lands on the West side of the Central location of the by-pass, as well as the lands on the Eastern side of that by-pass had been purchased by Mr. Armour and his associates, and that an application would be made for a bigger district to comprise in all about 60,000 acres of land, and on December 10, 1912, Mr. Geo. E. Randle, Engineer for the Gerber-Armour Syndicate, made a report to them on levee plans for the enlarged District, based on Central location of by-pass.

I call attention to these matters so that you may know that the Gerber-Armour interests were investing their money in these lands with the idea that the Central location of the by-pass would be

followed; and while this location has since been shifted to the Eastern location and some work has been done by them along this latter line, still, if a decision of the suits now in the Courts should be to the effect that the Eastern location would have to be abandoned and the Central location again adopted, then the parties owning these lands would only be carrying out plans which they originally expected and desired to do.

MR. DOCKWEILER: Is it not a fact, however, Mr. Ellis, that already a very large amount of levee work has been performed on the Eastern location of the by-pass idea and that a very expensive pumping plant has been constructed on Sacramento slough near the southerly end of this district and in the center of what would have been the Central location of the by-pass, and that if the present adopted plans should again be changed and the Eastern location abandoned and the Central location be again adopted, this expensive pumping plant would have to be abandoned and also, the greater portion of the levee now constructed on the easterly or Feather River side of District 1500?

MR. ELLIS: Such arguments have been made by those interested, but for a fact the financial loss would be quite small, as the present pumping plant could be made use of; also the greater portion of the present partially constructed levees. Right here I desire to call attention to the fact that this pumping plant was built at large expense, directly in the middle of what would have been the Central location of the by-pass and certainly several years prior to the time when any possible use could have been made of it. One can form his own conclusions as to their reasons for having done this. This pumping plant and practically the greater portion of No. 1500's levee system was built, however, *after* it was a well known fact that legal proceedings had been and were to be commenced by the people living northerly of District No. 1500, against the construction of a by-pass on the Eastern location.

MR. DOCKWEILER: You have just stated that if the Central location for the by-pass was again adopted, that the pumping plant and also the greater portion of the present partially constructed levees could be made use of; now how could this be done?

MR. ELLIS: I have here a small map of that portion of Sutter County showing District No. 1500 and adjacent sections. I have marked thereon two heavy black lines showing a location for the Central by-pass, and which location follows closely the 242 original lines for that by-pass except on its southerly end and where, for a distance of about 10 miles, there is a gradual shift to the East, making the extreme mouth of this by-pass about one-half mile easterly of its original tentative position. This shift is made so that the present constructed pumping plant could be made use of in the reclaimed area which would lie West of that Central by-pass location. Of course, with a by-pass in the center it would make two reclaimed areas in place of one area, as in the case of the Eastern location. As practically all this land is, however, controlled by one syndicate they would have their "eggs in two baskets" with the by-pass in the middle in place of in "one basket" with the Eastern by-pass. In case of a break in the levees in one of these reclaimed areas it would probably mean that the other area would be saved from inundation.

MR. DOCKWEILER: You have suggested a possible solution to save the present pumping plant, but how about the levee work which has been thus far performed on the line of the Eastern by-pass location?

MR. ELLIS: Every foot of these levees could be made use of except that portion which has been constructed in what would be the mouth of the location which I have suggested for the Central location of the by-pass. You will note from the small map that the Eastern levee of the by-pass on that location would intercept the present constructed levee (which starts at about Wild Irishman Bend and extends northeasterly), at about the East side of Section 20, while the easterly levee of the suggested by-pass location would intercept the present constructed levee at or near the center of Section 5. Between these two points there would be about three miles of levee which would have to be abandoned; and I have been informed that this stretch of levee is now about 15 feet high and with the natural slopes and crown which are usual with this type of partially constructed "clam shell" built embankment. The probable cost of constructing this stretch of levee (construction overhead, etc.) may have been say, 15c per cubic yard. From this you may form a rough idea of what the cost of this strip of levee might be.

On the northerly side of the District, on the line of the Tisdale By-pass, some small amount of work was performed across the area which would lie within the suggested Central by-pass location; but this was insignificant, as this would lie in the natural trough of the basin, and this is where Sutter County asked for and obtained an injunction in the Courts against any levee work being done.

As for that portion of the levee commencing at about Section 5 (at the South end of the Eastern levee of the suggested by-pass), and which follows parallel to and about 6000 feet distant from Feather River to Nelson Slough, this stretch of levee would be necessary under either the Central or Eastern locations of the by-pass; the only difference being, that if the former location had been adopted, then this levee could have been constructed about 2500 feet nearer the Feather River and so saved that extra strip for reclamation, and reduced the unit cost per acre; but all of this present 6000-foot 243 strip of overflow channel will be available for cultivation for late crops, such as beans, corn, potatoes, etc., when the entire flood control plan is carried to completion, so that this land will not be "wasted."

I understand that all the area in this 6000 width of overflow channel belongs to the Sutter Basin Company (owners of the greater portion of District No. 1500), and that the greater portion of this land cost them about \$30 per acre. This land being required for overflow channel by the Flood Control plan, will have to be acquired by the Reclamation Board; that is, flowage rights will have to be secured and the Board will, without doubt, be willing to pay the sum of \$20 per acre for such flowage rights. In this connection I might state that the Board now has an option for flowage rights at this figure for the greater portion of the land in the Eastern location of the by-pass area (extending from Nelson Slough to the South levee of District No.1), from the Sutter Basin Company, provided the by-pass be eventually constructed on that location; and provided further, that no higher price be voluntarily paid by the Board to other parties for land in that section, similarly situated, etc.

So much for the levee as far as Nelson Slough. As for the levee from that point to its present constructed limit at District No. 1, in case the Central location of the by-pass is adopted as suggested above, then District No. 1500 would have two ways to finish its East side reclamation.

One way would be to cross the mouth of the Eastern location of the by-pass at Nelson Slough (with a continuation of the stretch of the levee on the West side of the Feather River), and connect with the present constructed levee which extends from the Southwest corner of District No. 803 northerly, following the westerly side of Feather River, up to and beyond Yuba City. In this case, then the reclamation on the East side of the Central by-pass would have to depend upon the stability of all the levees on the Feather River north of Nelson Bend for protection, but would have no supervision over those levees, and would have to depend upon the general supervision of the Reclamation Board to see that proper heights, care and attention were given these levees by the various District Managers. I might state here, that District No. 1 has been raising and strengthening all of its Feather River levees to conform with the standard required by the Reclamation Board.

Assuming that District No. 1500 did complete its plans on this line, then the present incomplete levee and borrow pit could be used to divert the drainage waters of Yuba City (sometimes called Gilsizer Slough), to the Feather River by gravity, through a discharge pipe which could be constructed under the levee; which, as previously described, would cross at Nelson Slough to connect with the Southwest corner of District No. 803. Such diversion of drainage could be accomplished at such times as there were no flood waters in the Feather River and so save pumping, which would have to be done when the Feather was in flood; and then the drainage from Yuba City slough would have to flow (as it always has in the past) into the basin area. In this way the present work of partial levee construction from Nelson Slough to District No. 1 244 would not be wasted, if the Central location of the by-pass be adopted in the near future. On the other hand, if District No. 1500 should not care to have its safety depend upon the levee systems of other Districts on the westerly side of Feather River from Nelson Bend up to and beyond Yuba City, then in that case, the present partially constructed levee which they have constructed from Nelson Slough to District No. 1 could be completed to its necessary standard dimensions and be extended up to, and connect with the East levee of the Central by-pass location and through this levee, at proper locations, drainage pipes could be constructed so that the drainage from the East would not be interfered with.

MR. DOCKWEILER: In that case then, this drainage from the southerly end of District No. 1, and in fact up to, and beyond Yuba City, would discharge into the reclamation area which lies East of

the suggested Central location of the by-pass when the rivers were at flood stages and this would have to be pumped from that area, would it not?

MR. ELLIS: There would be two ways to handle this drainage: one would be by the construction of another pumping plant at the Southwest corner of this reclaimed area and where the drainage would naturally collect, or, this drainage could be diverted by means of a pipe under and across the by-pass area, and be discharged into the reclaimed area of the West side of the Central by-pass; and from there, be diverted southerly to the present pumping plant, which would then be on that side of the by-pass. I am informed that this pumping plant was designed to have sufficient capacity to take care of the drainage of the entire area of District No. 1500, and, if so, then it could care for the drainage of both reclamations on opposite sides of the Central by-pass. No matter whether the by-pass is constructed on either the Central or the Eastern location, this drainage will, at certain seasons, always have to be pumped; but the handling of this drainage under the Central location will be less complicated and require a less number of pumping plants than it would if the Eastern location be adopted.

MR. DOCKWEILER: I have here a copy of Flood Control Report No. 22, of the State Reclamation Board, and on page 4 of this report, it states that there were eight reasons advanced for fixing the by-pass on the Eastern location. The first reason advanced is as follows: "First, lessening the length and height of levees by following the margin of the basin and joining with the Feather River overflow channel at Nelson Bend; from which point on, one levee takes the place of three levees instead of making separate channels and running the by-pass through the entire length of the lowest part of the basin, the bottom of which is more than 10 feet lower than its outlet over Fremont Weir." What have you to say to that?

MR. ELLIS: There is no doubt but what there is more length of levees in the Central than in the Eastern location, for the by-pass, as stated in that report. In planning for flood control, however, a thorough study is, of course, required, and possibly more than one plan can be advanced for consideration; then should come into consideration, the 245 question, which of the various plans is the safest and most likely to successfully meet the test which it some day must be subject

to? The syndicate which now controls the greater portion of the land in District No. 1500 does not, of course, expect to always hold this immense area; there is no doubt but what it is their intention to eventually subdivide and sell off these lands to actual settlers, and when the State approves a plan for reclamation such as that of District No. 1500, where a large acreage is as much as 25 feet below the crown of the lowest portion of the levee system, the lives and property of future innocent investors must be given serious consideration. In view of the fact that even the Government Engineers admit, that while the original flood control plan is expected to care for the average flood which may be expected, it is not designed to care for the flood which may come every 75 to 100 years; and when that flood arrives (and unfortunately we never know when it may arrive), the present accepted plan is expected to fail in part at least. This should also make those who are responsible for approval of plans for reclamation on behalf of the State give very serious consideration to the slogan of "Safety First" and not be influenced too largely by the fact that one plan has less length of levee but at the same time admitted higher water planes.

MR. DOCKWEILER: The second reason given for change in location of by-pass in Flood Control report No. 22 was, "lessening the danger from breaks from saturation of levees caused by water standing at considerable depth for a long time, as would be the case in the Central location."

MR. ELLIS: In view of the fact that flood waters in the Sutter Basin rise and fall quite speedily, this is not as important as it might appear. Again, I would refer you to page 5, line 23, of the Flood Control report No. 22, which you have, and you will note the following: "Average depth of water against West levee of Sutter By-pass on Eastern location will be 18.5 ft. as against 20.0 ft. on the Central location." This would be a difference of only 18 inches in favor of the Eastern location, and which would be inconsiderable as regards saturation. You will note that either of these two mentioned levees would be the levees of District No. 1500, whether the Eastern or the Central location of the by-pass were adopted. If you will refer to the pamphlet which I have given you and relative to the deposit of silt in the Sutter Basin of recent years (see page 11), you will note that the disposal of silt is going to be quite a problem in the flood control plan. In the Eastern location of the by-pass there is not a single inch of fall in ground level from the mouth of the Tisdale By-pass to Fremont Weir, a distance of about 20 miles; all the ground level in that entire area being

approximately 30. In the Central location of the by-pass, and between these same points, almost the entire length is below the 30-foot contour, and there is a stretch of several miles which does not exceed the 20-foot contour elevation. Here, then, is a settling basin for the silt to deposit in and all those engineers who have had any practical experience in that section agree that with the subsidence of each flood there will be deposit of silt.

The Eastern location of the by-pass has no such similar depression to take care of for a 246 time at least, of such silt deposit. Assuming that such deposit *will* occur in the Central location, it will be but a short time before this difference in elevation in ground surface, mentioned in Flood Control Report No. 22, would cease to exist.

MR. DOCKWEILER: The third reason given in Flood Control Report is as follows: "The conservation of lands by placing the by-pass on higher ground which will drain early enough to secure summer cropping."

MR. ELLIS: This is a very frank acknowledgment that the by-pass was shifted from the natural trough of the basin to "higher ground," thereby raising the flood plane and violating the basic principle of the flood control plan. The answer to this reason, however, would be, that for the reasons just advanced regarding silt deposit, the land in the Central location will probably be equally as high in a short time as the land is now in the Eastern location. Until this time arrives, however, the entire area in the Central location of the by-pass can be cropped to as good advantage as the land in the Eastern location.

MR. KENT: How do you come to that conclusion when you have just stated that the land in the Central location is, for a considerable distance, about 10 feet lower than the Eastern location area?

MR. ELLIS: Here is a table taken from Flood Control Report No. 10 giving elevations of water surface at *mouth of Feather River*, the data having been calculated from U.S. Weather Bureau gauge readings at Knight's Landing; (U.S.E.D. datum with "0" on that gauge being elevation 19.68

U.S.E.D. or 16.08 USGS datum; the water surface at mouth of Feather River being 4 feet lower than at Knight's Landing):

YEAR MAY 1ST JUNE 1ST JULY 1ST

1907 31.4 29.3 26.3

1908 25.8 24.1 19.6

1909 29.9 27.1 23.2

1910 27.5 21.0 17.8

1911 30.6 28.9 24.1

1912 22.5 26.5 17.1

The northerly bank of the Sacramento River, in the line of what would be the southerly end of the Central location of the by-pass, is practically elevation 30; which means that all this bank is above the water surface of the river, and the water standing in the basin to the North has, in the past, practically kept level with the river through its natural drainage channel known as Sacramento Slough. If the levees on the Central location are constructed on the lines which I have suggested, then Sacramento Slough would be cut off a short distance from the present constructed pumping plant by the West levee of the by-pass. Where this occurs a large and substantial pipe with controlling gates, should be installed under the levee to permit of drainage of the low portion of the by-pass area, the borrow pit of the West levee making an excellent drainage 247 canal to that point. When the surface of the water in the Sacramento River (say between May and June) is below the natural banks and it is desired to crop the by-pass area, the pumping plant could then easily and quickly remove all water in that area and sufficient time be had to permit the ground to dry soon enough so that it might be cultivated and made ready for late crops, such as beans, corn, potatoes, etc., the same as is now done on what is the northerly end of this by-pass.

This area described above as being at about the 20-ft. contour, consists of what is called in the Government Soil reports "Sacramento clay," and an overflow each season in this by-pass, with the resulting deposit of sediment from the Sacramento River overflow, will greatly increase the value and productiveness of this area. There is no doubt but what the deposits of silt in this location of the by-pass will eventually be had by gravity in place of by pumping after the months of May or June of each year.

MR. DOCKWEILER: The fourth reason given is, that "A more uniform velocity to prevent destruction of the cultivability of the land by scouring, which we believe would take place in the upper portion of the Central location and which would cause a deposit in the lower portion of the by-pass which would necessitate a raise in the already excessively high levees."

MR. ELLIS: If "a more uniform velocity" is to be obtained at the expense of a higher water plane of about three feet at the latitude of Tisdale Weir, thereby decreasing the efficiency of the discharge of the Tisdale By-pass and also increasing the dangers in many ways from the added increase in height of the theoretical water plane, and which Major Cheney, in his report I have given you, states, is already sufficiently high, then I would prefer a less "uniform velocity," particularly in view of the fact that any silt which may come down from either scour in the by-pass lines above, or still further North from the river itself, there is a "silting basin" already provided for in the Central location, while there is none in the Eastern location. Again, this "silting basin" in the Central location will take care of the silt for several years, and there will be no necessity for raising the "excessively high levees" (they average only 18 inches higher than the West levee of the Eastern location, as I have previously shown you) until such time as this "silting basin" is entirely filled to the 30-foot contour. If, on the other hand, there should be a silt deposit the first flood season, of say 6 inches in the Eastern by-pass area, then, theoretically, the following season these levees would have to be raised 6 inches. At the latitude of Tisdale Weir the levees in the Eastern location of the by-pass will have to be approximately 3 feet higher than in the Central location (on account of the higher water plane), so there are *unnecessarily* "excessively high" levees in the *Eastern* location of the by-pass *also*.

MR. DOCKWEILER: The fifth reason given for change in by-pass location is “the placing of the by-pass upon poorer quality of soil.”

MR. ELLIS: In my opinion this statement would be correct for that portion of the Eastern by-pass which lies north of the latitude of Tisdale By-pass, but it is largely 248 incorrect for the greater portion of the by-pass which lies south of the latitude of Tisdale By-pass. What would you say to that statement, Mr. Von Geldern?

MR. VON GELDERN: I think your statement is quite correct. The soil in the Central location of the by-pass above Tisdale By-pass has several feet of rich alluvial deposit on it from the overflow from the Sacramento River, and this deposit never reached as far east as the Eastern location of the by-pass. South of Tisdale By-pass, however, the situation is practically reversed, the greater portion of the area in the Central location being “Sacramento clay,” while the lower portion of the Eastern by-pass and its extension, the Feather River overflow channel, is silt deposit from the latter river.

MR. DOCKWEILER: How about the cost of construction of the two by-passes, the sixth reason for the change of location being “less cost of construction?”

MR. ELLIS: The original estimate of the cost of constructing levees by the Engineers was seven cents per cubic yard for the Central location, and eight and one-half cents for the Eastern location. My estimate on this work at that time, for the Eastern location, was 11 cents (see page 7 in pamphlet containing Argument against change of by-pass location). Mr. George Randle, Engineer for District No. 1500, has advised me recently that the work which they have been doing on the Eastern by-pass levee thus far has been costing, including overhead expenses, 15 cents per cubic yard or more than twice the original estimate. On the other hand, he has also advised me that the drainage ditch, which they have about completed in the trough of the basin, and which you inspected on the trip we took there by automobile today, is costing ten cents per cubic yard, without any overhead expense. The machine which is doing this latter work is a small floating steam shovel. Probably a clam shell dredge of large capacity (such as they are working on the East by-pass levee) would handle this material considerably cheaper. It might be possible that “shooting” the

underlying hardpan might be necessary, same as they have had to do almost everywhere on the Eastern by-pass levee, as you saw today; and if so, it would be an added expense. From what has been accomplished thus far in this work, am disposed to think that the material could be handled much cheaper and easier on the Central than on the Eastern location. The original plan of the engineers called for a levee with 10-foot crown, with slopes of 2 to 1 on land and 3 to 1 on water side. At my suggestion the slopes were reversed and plans changed to call for revetment on the water side, on portions of the levee.

MR. DOCKWEILER: What portions?

MR. ELLIS: The Flood Control Engineer found, upon investigation, that when storms are prevailing and floods occur, the prevailing wind is almost invariably from the Southeast in that section. He therefore provided, in his amended plans, that all portions of the East levee of the Eastern location of the by-pass, which ran parallel with the usual direction of the wind, be not protected with revetment but that all other portions, where the levee would be “angling” with the southeasterly winds, same be protected with cobble or or artificial concrete block construction, or some other suitable 249 protection, to be approved by the State Reclamation Board. If you will look at page 12 of Flood Control Report No. 22 you will note that this estimate for revetment amounts to \$446,978.70 for the East levee of the East location of the by-pass, and \$656,965.06 for all the West levees, making a total (after adding 10 per cent for engineering and incidentals) of \$1,213,348.14. Now, if the reason given by the engineer for not reveting those stretches of the levee which run parallel with the direction of the prevailing winds is a good one, then he should estimate the estimated cost of revetment on the two levees of the by-pass in the Central location (and which, on page 17, he estimates will amount to \$1,434,858.60), because the *entire length of the Central location of the by-pass is also parallel with the direction of the prevailing winds and exactly parallel* with the section of the East levee of the East location of the by-pass upon which he proposes to eliminate revetments. In addition to this, a less unit cost per cubic yard should be made for constructing the levees of the Central location than in the Eastern location. With these changes the cost of constructing the Central location levees will be *less* and *not* more than the

Eastern location. There are other items in the estimate which could be questioned but which I could not go into detail with at this time.

MR. DOCKWEILER: The seventh reason given is that there will be “less seepage, due to less depth of water pressure.”

MR. ELLIS: I think I have answered this in previous statements wherein I called attention to the fact that the difference in average height of the levees on either location, and which would act as levees of District No. 1500, is only 18 inches and that a good portion of this will probably be eliminated when the silt has filled the low basin area in the Central location. I might, however, call attention to the fact that the depth of water against the present South levee of District No. 1 is now about 10 feet; but that if the Eastern location of the by-pass is adopted, the depth of water against what will then be their South levee will be about 20 feet.

MR. DOCKWEILER: The eighth and last reason given in Flood Control Report No. 22 for the change in the by-pass is as follows: “Less area flooded in case of break of East levee of by-pass.”

MR. ELLIS: This depends entirely upon certain conditions which may prevail when the flood control plan is completed. In case the Eastern location of the by-pass is completed, if the area between the East levee of that by-pass and the Feather River should depend upon that levee and the Feather River West levee for protection, and assuming that the union of these two levees be at the Southwest corner of District No. 803 (a short distance below Chandler Station), then in case of a break in the levees on the West bank of the Feather River, say a short distance below Yuba City, the water would flow to the South and fill this pocket. Assuming the levees held and that the water would escape in a thin sheet over the crown of the levee, then the area which would be flooded would depend upon the height of the levee. Major Cheney's height of flood plane at Nelson Bend is 45.7; and if the levees should be built there with a height of 5 250 feet above this assumed flood plane, then the water would be expected to back up to the 50.7 contour.

If the Central location of the by-pass was adopted, and if District No. 1500 should make use of its present partially constructed levee which runs parallel with and 6000 feet distant from the bank of

the river, and extend this levee across the overflow channel at Nelson Slough and connect with the main Feather River levee which extends up that river, then the southerly end of the pocket which would be formed would be at the extreme South end of the reclaimed area which District No. 1500 would have on the East side of the Central by-pass location. This point would be about one mile North of the S. P. Co.'s trestle at or near the center of Section 5. The contemplated flood plane there will be very close to elevation 42 (I have not the California Debris Commission's exact data at this point with me), and if we should add 5 feet for construction of levee above this flood plane, then this would bring the top of the levee there to elevation 47. This would be a difference of 3.7 feet in favor of the Eastern location as claimed in the report. This, of course, does not take into consideration the prevailing South winds at flood times, and when they are sometimes exceeding strong gales; and from actual observation I know that they have a wonderful effect in pushing water "up hill" in that territory, and the greater the area covered by water, the greater the effect of the wind; so that under some conditions this difference of 3.7 might be entirely eliminated and the 50.7 actually reached under the Central location under these conditions. This difference just mentioned, of 3.7 feet, would represent the entire general slope of about two miles in that section; and wind action on water there during periods of flood, which have occurred there in past years, has actually affected the scope of flood area to about that extent.

MR. DOCKWEILER: What would be the area flooded by a break in the *West* levee of the by-pass, assuming that the Eastern location was followed?

MR. ELLIS: That would depend, of course, upon where the break occurred. If the break occurred on the southerly end of the by-pass proper, say at about Nelson Slough, the water would flow southerly into District 1500; and I assume that the District managers would immediately take steps to cut the levee on the southerly end of the District so that the water on the land side of the levee would not get any higher than the water was in the Sacramento River, at say Fremont Weir. Assuming the water in the river to be at the contemplated water plane of 40 feet, this would mean that (without any wind action) every acre in District 1500 would be flooded except a small narrow strip, approximately one-half mile in width on an average and extending from about Collins' Eddy to Tisdale Weir on the Sacramento River side. The wind action would no doubt, however, cause

this strip to be flooded also. If, in place of a break occurring near Nelson Slough, the break should occur on the extreme South end of the District and so have the least possible flood height within the District, exactly similar results would occur as in the first case; the water in the heart of the District being 20 feet deep. 251 Let us assume, however, that the break in the West levee of the by-pass should occur at its extreme Northern end; say a mile or two below the Northern Electric Co.'s bridge crossing the by-pass near the Sutter Buttes; in that case the water would promptly flood the area westerly to the Sacramento River and North of Tisdale By-pass, and consisting of Districts No. 70 and No. 1660. When this pocket was filled (which would no doubt take but a few hours), the water would, without doubt, break the levee on the East bank of the Sacramento (it is an unprotected sand levee); this would then gorge the Sacramento River beyond its capacity (which is only 30,000 sec. feet below the Tisdale Weir); the levees on the West bank would then undoubtedly fail and the entire Colusa Basin be inundated. If these breaks should not open quickly and not afford prompt relief to the river and the District North of Tisdale Weir, then the levee of District 1500 on the bank of the Sacramento would also fail and that District be also inundated.

MR. DOCKWEILER: How about the Central location of the by-pass?

MR. ELLIS: In case of a break occurring on the extreme northerly end of the West levee of the by-pass, exactly the same flood conditions would probably occur as I have last described, *except* that all that area lying between the East levee of the Central by-pass and the West levee of the Eastern by-pass (a length of approximately 20 miles or more), would not be inundated as it would be if the break occurred on the West levee of the Eastern location of the by-pass at its northerly end as previously described.

MR. KENT: Have you any further data which you desire to submit?

MR. ELLIS: None, except to impress upon you some figures relative to contemplated flood planes which are interesting.

MR. KENT: What are they? I want to get all the information I can.

MR. ELLIS: The contemplated flood plane in the Feather River at Nelson Bend, where the Eastern by-pass will discharge is 45.7

The present ground level in the Eastern by-pass from Nelson Bend up to the latitude of Tisdale By-pass, is 30.0

The ground level in the Eastern by-pass from the latitude of Tisdale By-pass gradually raises as you go northerly until it reaches an elevation at the Northern Electric Co.'s bridge, a short distance below the Sutter Buttes 42.0

(From this latter point northerly the ground raises much more rapidly.)

The present crest of Tisdale Weir on the East bank of the Feather river is 44.25

(It is contemplated that this crest may be raised to 50.)

When storms occur and floods result, the rivers discharge their flood in the order of their length, etc. The Bear River discharges first and then the Yuba; then the Feather, and at this same time the American is also discharging; also, all small streams, such as Honcut Creek, etc., etc. The discharge of all these rivers and creeks pretty well fills all the channels from Sacramento northerly to its junction with the Feather River and up the Feather to Marysville and to Oroville. You will see, therefore, that with the 252 Eastern by-pass constructed, that this by-pass and also the Tisdale By-pass will be considerably gorged with back water from the Feather River's flood *before* any great discharge of water will begin to escape into the Eastern by-pass from the Sacramento over the Tisdale and Moulton Weirs.

When this Sacramento River water does commence to discharge into the by-pass (the contemplated discharge is 220,000 sec. ft.) it will be against a "water cushion" of a very considerable depth and in a channel way, which, as I have mentioned before, is "dead level" for about 20 miles; the ground surface at the latitude of Tisdale Weir being 30 and the crest of the Fremont Weir, where it will largely discharge, being at altitude 30. Along this level stretch of some 20 miles this flood water

is expected to flow safely with surface fall of about 6 inches to the mile, the contemplated flood height at Fremont Weir being estimated to be elevation 40, while at the mouth of Tisdale By-pass the contemplated flood height is estimated at 50.5.

Again, I would call your attention to the small capacity of the Sacramento River below Tisdale Weir. The present capacity is 27,000 sec. ft., and the present flood control plan contemplates that with the raising of levees its capacity will be increased to 30,000 sec. ft. Above Tisdale Weir the contemplated capacity is expected to be 65,000 sec. ft. It will be seen from this that it is absolutely necessary that 35,000 sec. ft. be discharged over the Tisdale Weir, through the Tisdale By-pass to the Sutter By-pass. With the Central location of the by-pass, the contemplated flood plane at the mouth of Tisdale By-pass will be at elevation 47.8 or 6.2 ft. lower than the contemplated flood plane in the Sacramento River at Tisdale Weir. In the Eastern by-pass, however (and you will note that this is further to the East and so reduces the slope per mile), the contemplated flood plane is expected to be 50.5 or a fall of only 3.5 ft. in the greater distance.

Now remember that these figures are all estimates, based on certain assumptions. If the assumption is correct when the figures indicate that 220,000 sec. ft. can be discharged in the Eastern by-pass location with a perfect ground level for 20 miles and a surface slope of about 6 inches to the mile, then well and good; but if it should be wrong and this discharge should require a water surface slope of an additional 2 inches per mile for that distance, then the fall of 3.5 in the Tisdale By-pass will have disappeared; and if the river is unable to discharge the necessary 35,000 sec. ft. over the Tisdale Weir, the result will be breaks on the levees below the weir, probably on both sides of the river, and that will mean the inundation of all of District No. 1500 and the entire Colusa Basin. It therefore appears to me that the factor of safety is none too great for a proper discharge of the Tisdale By-pass into the Central location of the by-pass without going still further to the East and having the discharge made in the Eastern location, and at a higher water plane.

MR. DOCKWEILER: The various figures which you have been giving today relative to estimated flood heights, etc., are they the figures of the California Debris Commission?

MR. ELLIS: Yes sir. I might state for your information, that the State's Flood Control Engineer is making calculations for even a greater flood discharge than has the California Debris Commission and, in consequence, his assumed water planes are considerably higher than are those of the California Debris Commission. For example, I have stated that the assumed flood plane of the California Debris Commission at Nelson Bend on the Feather is 45.7; but the assumed flood plane for this same place by the Flood Control Engineer, for his greater assumed flood discharge, is 49.9 or 4.2 higher.

MR. KENT: Have you any other reasons to offer why the Eastern location of the by-pass is not the proper one?

MR. ELLIS: I am going to voice one more objection, and that is, that the construction of the by-pass in the Sutter Basin is going to be a direct menace to the City of Sacramento, which is already in an admittedly dangerous situation on account of the delay in constructing the Bryte's Bend By-pass, and which will have no unnecessary margin of safety even after that by-pass is constructed.

MR. DOCKWEILER: Will you please explain how the construction of the Sutter By-pass will prove to be a menace to the City of Sacramento?

MR. ELLIS: You may possibly be familiar with the history of the results of a break which occurred on the East bank of the Sacramento River a few years ago, at a place which is generally known as the "Edwards Break." When this break occurred the flood waters backed northerly and menaced the South levee of the City of Sacramento, and also ran southerly, filling one reclamation District after another until the flood had inundated practically every levee district on the East side of the Sacramento River, clear down to and including some of the reclamation districts in the San Joaquin Delta region. This was one of the most disastrous breaks which has ever occurred in the valley.

In the Central location of the Sutter By-pass, the discharge will be directly opposite the Fremont Weir into the Yolo Basin. In the Eastern location of the by-pass the discharge will be directed at the levees of District No. 1001, which is the North Reclamation of the American Basin; and the

lower end of this district is below the mouth of the Feather River. If the levee of District No. 1001 should fail, say just below Nelson Bend, the flood waters would rush to the southerly end of this district, and even if the levees on the river should break below the mouth of the Feather River, the capacity of the Sacramento River would be entirely inadequate to take but a very small amount of the flood water which would be precipitated from above into the District. The result would be, that the levees of the small canal (which lies between District No. 1001 and District No. 1000) would be broken and this would then give free outlet for the flood waters to the South end of the latter District; and from here they would escape into the rivers at Sacramento City, either over or through the District levees. This additional discharge, added to what is normally to be expected there, will be far in excess of the capacity of the Sacramento River below the Southern Pacific bridge, and then will become a test of strength between the levees on the East and West side of the river; and unfortunately, the levees of Sacramento City are lower than the levees on the opposite bank of the river. If Sacramento City, under these conditions, should fail to stand the test to her levee system it would then be a repetition of the Edwards break from there on to the San Joaquin Delta. The whole idea of the Eastern location is, I firmly believe, radically wrong. With the Central location, the Feather River was expected to carry a load of 240,000 sec. ft. below Nelson Bend; and it is unfair to that river to give it an *additional* load at Nelson Bend of 220,000 sec. ft. to care for to its mouth. It is also unfair to every district on the East bank of the Feather and Sacramento Rivers, from Nelson Bend on the Feather River on the North, to the San Joaquin Delta on the South, to so plan the Sutter By-pass that it will be a constant menace to that immense and highly developed area, and which may, at some future time, be made a by-pass by reason of a break in the West levee of District No. 1001, due to the construction of the Sutter By-pass on the Eastern location. I do not desire to pose as an alarmist, but I believe that if the people living on the easterly side of the Sacramento River, from Sacramento City southerly, realized the possible dangers which they may be subjected to if the Sutter By-pass is constructed on the Eastern location, and when future floods occur as they have occurred in past years, such as in 1861-2, 1881, 1904, 1907 and 1909, that there would be many more objectors to the consummation of this adopted plan than there are at present.

MR. KENT: Have you anything further to offer?

MR. ELLIS: No Sir, I am afraid I have tired your patience too much already.

After the above testimony was given by myself in answers to questions propounded by Mr. Kent and Mr. Dockweiler, some testimony was asked for and given by Mr. Edward Von Geldern and Mr. Samuel Gray of Sutter County.

Mr. Kent then brought up the matter of rumors which had been circulated that improper influences had been indulged in, when the vote had been taken by the members of the Reclamation Board and when the shift had been made from the Central to the Western location by the votes of Mr. McClatchy and Mr. Cook, I opposing the change.

I informed Mr. Kent that I had heard of these rumors, which in my opinion were both unfortunate and, I firmly believe, absolutely untrue. That Senator Chandler of Fresno had invited me to his room one day at Sacramento, when the Legislature was in session and had for about two hours endeavored to “worm” some information from me on the subject, evidently being under the impression that there was some truth to these rumors, but that I had assured Senator Chandler that such stories were absolutely untrue; that it was purely and simply a difference of opinion between McClatchy, Cook and myself; that they were entitled to their opinions, the same as I was; that I believed that when these two gentlemen disagreed with my decision, that it was an honest difference of opinion; that they had not had the long years of close observation and experience as I had had with flood conditions, as they had existed in many past 255 years in the area, north of the mouth of the Feather River and as a result, they were guided very largely by the reports and recommendations of the State Engineering Department and unfortunately, none of those engineers, had ever to my knowledge, had any opportunity to observe actual flood conditions in that area and because of that fact, did not have “proper respect” for the rivers and their requirements during times of maximum flood. Again, unfortunately, both Mr. McClatchy and Mr. Cook, did not seem to realize the difference between the State's interests and the Federal Government's interest in the project. That when I had left Senator Chandler, I felt that I had not entirely disabused his mind of this idea which he had of improper influences.

I then placed on record with Mr. Kent, certain letters written by Major S. A. Cheney under date of October 2nd, 1912, March 24th, 1913 and March 18th, 1915, all addressed to me as Secretary of the Reclamation Board; also a copy of a letter written by Mr. McClatchy, addressed to Major Cheney, under date of March 17th, 1915, all disclosing the fact (which I had always contended), that while the Federal Engineers had “assented” to the change in the location of the Sutter By-pass, they did so because the change did not affect the Federal Government's interest, which was mainly navigation, while the State's interest, was mainly safe reclamation. That the original plan, drawn up by the Federal Engineers was for the by-pass in the central location was for good and sufficient reasons, in which I agreed and that these letters, which I was filing with Mr. Kent disclosed the fact, that one day, when we were having a rather “warm” argument as to the proper location of the by-pass, that Major Rand, of the California Debris Commission had stated that “there were no records in his office that they were in any way enthusiastic for the Eastern location.” These letters also disclosed the fact, that Major S. A. Cheney, of the California Debris Commission had told me in a conversation which I had with him one day in San Francisco, that “he had from the first been favorably inclined to the central location and was still so favorably inclined.” That one day, when the Board was holding a meeting, in the “heat of argument,” I had so quoted Major Cheney; that apparently Mr. McClatchy questioned the correctness of my statement and had proceeded (on March 17, 1915) to write Major Cheney (who then was stationed at Fort Leavenworth, Kansas), to ascertain whether I had quoted him correctly and that Major Cheney, under date of March 27th, had replied to Mr. McClatchy, confirming the statement he had made to me and bringing to Mr. McClatchy's attention the fact “that the duty and interests of the Reclamation Board were different from the duty and interests of the California Debris Commission, and so would require the Board to take cognizance of matters that the Commission did not”—“The distinction may be briefly expressed by saying that the Commission was essentially concerned with the preservation of the necessary flood channels to enable the general plan to be carried out, while it was the duty of the Board to encourage and further reclamation work, under the general plan”—“In other words, the primary interest of the Commission was flood control, 256 reclamation being incidentally

permitted; the primary interest of the Board was reclamation, this to be carried out in accordance with the general plan.”

When Congressman Kent had completed his hearing here, he told me that he was completely in accord with our side of the controversy. Shortly after, he had all the testimony, which had been obtained in the hearing, printed in booklet form and hundreds of them circulated generally and one copy also placed on the desk of each member of the Legislature.

This booklet, placing new light on the matter to the legislators, Mr. McClatchy then had the State Control Engineer, Mr. E. A. Bailey, get out a printed statement, taking the opposite point of view and these were also widely distributed, with the result, that the majority members of the Legislature were still further confused and “did not know what it was all about.”

NOTE:

Quite some time afterwards, I received a letter from Congressman Kent, asking me to meet him at Sacramento, which I did. He then confided to me that he had decided not to run for Congress again and suggested that I be a candidate for that office. I told Mr. Kent that I could not do so for two reasons; first, I was in business and could not neglect that business; second, that necessary publicity and other expenses, I really could not afford. “Don't let the expense worry you, Mr. Ellis,” said Mr. Kent, “I will pay all expenses and if necessary spend \$5000 for necessary publicity in newspapers, etc., for you.” As Mr. Kent was rated a millionaire, this expenditure meant but little to him, however, I declined with thanks. Mr. Clarence F. Lea then became a candidate and received the support of Mr. Kent. Mr. Lea has been Congressman ever since from this District and has made an enviable record.

CHAPTER XCVI

How I Came to Leave the Reclamation Board

IN A PREVIOUS chapter I have explained that the first members were McClatchy, Cook and myself; McClatchy was President and I was Secretary as well as being a member; however, when the Board was enlarged to seven members, I was again Secretary but had an Assistant Secretary, Miss Edith Grove of Sacramento, who was the active Secretary in keeping the minutes, etc.; in addition, we had an attorney, also an engineer who had the title of Flood Control Engineer (E. A. Bailey), connected with the State Engineer's office; we had also a staff of draughtsmen; all received salaries except the three Board members. Later on, other areas demanded representation on the Board and the Legislature in 1913 increased the membership to seven, who were also appointed by the Governor.

To comply with the requirements that the interested land owners furnish all necessary rights of way, etc., it was necessary to divide the whole plan into projects, and levy 257 what was called "By-pass Assessments." These were levied according to the benefits derived, by three additional engineers expert in that line of work, and after they had completed their work of assessing, public hearings were held to enable anyone to present protests, which usually they lost no chance to do. While I believe that these assessments were fairly and equitably levied, still it was impossible to so convince many land owners and as a result, the Board was not popular with many people. As the Board met only once or twice a month, we decided that we should have someone always present in the office and we looked about for some time to obtain some man, who had a good engineering knowledge of the plan and a pleasing personality when meeting the public when they called at the office. It was difficult to find anyone who combined these qualities until one day I remembered that when the Sacramento Northern Railroad was being constructed, they had an engineer who appeared very capable in general engineering; I knew from conversations with him that he had a good grasp of the flood control problem and as for a "pleasing personality," he had "IT." He was employed with a salary of \$5000 per annum, plus expenses and was given the title of General Manager. After we had announced the appointment, the following day two prominent citizens in Sacramento asked me how we had happened to appoint him, and then proceeded to inform me of some questionable transactions he had indulged in and which of course I had never heard of before; as I was responsible for his appointment, I felt considerably chagrined, but it placed me on my

guard from then on. He continued with the Board, made himself useful, was thoroughly competent and filled the position of a “bumper” between the Board and the public in a very excellent manner and then one day, asked for a raise of salary to \$7,500 per annum and expenses, which was granted him, over my objections. About that time came the job of clearing large portions of the Sutter By-pass and Feather River overflow channel; it was war time and lots of work then was being performed on a “cost plus basis” and that job was started in that way.

I soon ascertained that our General Manager had purchased a lot of rails, logging cars and engines from a closed down lumber camp in the mountains, which had been foreclosed by a Sacramento Bank and, in addition, had paid several thousand dollars for a switch and spur track, to the railroad company, having tracks near the scene of operations. At the next meeting, I demanded to know why such equipment had been purchased, at apparently excessive prices but received no satisfactory explanation. Later on, he asked permission to purchase two more engines from the same source for \$6000 but his request was refused as he had not as yet demonstrated any real necessity for the equipment formerly purchased. Shortly afterwards, I ascertained that he had actually purchased these two engines and had given a note to a Sacramento Bank for the \$6000 and had signed the note on behalf of the Board. I went to the Bank, demanded to see the note, was shown it, explained that the General Manager had been told not to purchase this equipment, that checks had to be signed by either the 258 Secretary or Assistant Secretary and that I would not sign and had instructed the Assistant Secretary not to sign any such check and I doubted if the note would be paid.

When the Board had its next meeting, I explained the circumstances, the General Manager received a rebuke, the bill was not paid and the Bank made no further demand for payment. It was about this time, the General Manager demanded and again received, over my objections, another raise of his salary to \$10,000 per annum, plus expenses, as much salary as the Governor received.

Having heard rumors of unnecessary and very expensive work being done on the by-pass clearing, I made a trip down there one day and ascertained that in place of clearing only the small trees and underbrush, they were cutting very large trees, placing the large logs in the river, made up into rafts and from there they were floated down the river towed by a small launch. I then ascertained in

Sacramento that these logs, when they arrived at Sacramento were delivered to a small mill which made boxes out of this timber and the owner of the mill was a son-in-law of the banker who had previously arranged for the sale of the logging machinery to the by-pass and which had never been used. I shortly afterwards ascertained various other matters of questionable character in which the General Manager had been a party, so wrote a letter to the President of the Reclamation Board, Mr. Fletcher (Mr. McClatchy having resigned from the Board) that at the next meeting I was going to file written charges against the General Manager. Evidently some one got very "busy," for in a few days, I received a letter from Governor Stephens stating that he had received a letter, signed by "some of the members" of the Reclamation Board, requesting him to remove me from the Board because "I was a disturbing element"; the letter requested my resignation. I immediately wrote the Governor, giving him a detailed statement of the charges which I had written Mr. Fletcher I was going to present at the next Board Meeting; that I intended to expose this grafting which had been going on and that I declined to resign and preferred that he "remove" me, if he saw fit to do so and which he had the power to do. I received no reply from the Governor but at our next meeting, a messenger from the Governor called and presented me with a notice of my "removal" as a Board member. I immediately read to the Board members, the letter I had first received from the Governor, then my reply, then my notice of my removal. Only three members of the Board had made the request to the Governor, and signed the letter, the other members being greatly surprised. I then presented my written charges to each member of the Board, also one to the General Manager, stating that I had expected some such action from the Governor, put on my hat and walked out. I then gave a copy of my charges to the *Sacramento Bee*, which published same as having been presented to the Board. I got no libel suit, however, from the General Manager; he, however, I was later informed, was given a severe "calling down," but was not discharged, but the \$6000 note at the Bank was paid. Later on however, he continued to do more improper things and lost his job; still later on, when a new Governor came on the scene, 259 the whole Board was removed, but this was largely political as I am certain none of the Board members were involved in any way with the General Manager's "activities."

About two years or so later, I had an amusing occurrence. Governor Stephens, who had removed me, was a friend of Mr. Henry Johnson (our local druggist) and came up occasionally to visit Johnson, sometimes going duck hunting. One day I dropped in Johnson's Drug Store to purchase some article and as Johnson was busy with some customers, I strolled in his back office. Governor Stephens was sitting there, he did not recognize me; soon Johnson came in and said, "Mr. Ellis I want to introduce you to Governor Stephens"; we shook hands and then I said "Governor, it is a pleasure to meet you again, the last time I met you we had quite a seance." The Governor said, "I do not understand what you mean Mr. Ellis"; I replied, "Why the last time I met you, you placed the toe of your boot to the bosom of my trousers"; the Governor said, "I still do not understand," to which I replied, "Why I am the Ellis you kicked off the Reclamation Board." The Governor got very red in the face, he started to say that "he did remember something about it but did not remember all the facts in the case," etc., etc., when I interrupted him by saying, "Now please do not attempt any apologies Governor, I have no sore spot where your boot landed, I feel quite certain you were taken advantage of by those three members, and I really would prefer to still see you in the Governor's office today in place of that 'wild bull in a china shop' who now holds the office." The Governor and I have been good friends ever since.

I really was not averse to leaving the Reclamation Board; for some ten years, when I had been a member, engineering and construction work were what I was particularly interested in and always have been; when I left the Board, construction work had largely ceased temporarily for lack of funds and the Board's problems were largely legal and financial with figures galore and "figures" are never particularly interesting unless they are clothed in a female bathing suit.

CHAPTER XCVII

The Attempted Resurrection of Hydraulic Mining In 1927

AFTER the Judge Sawyer decision in 1884, the miners being very dissatisfied, conceived a plan for the resumption of hydraulic mining by having the control of that type of mining placed under the jurisdiction of Government engineers, who would decide what was necessary for a mine to

do in the way of constructing restraining works to hold back debris in order to obtain a permit to operate by the hydraulic method. A bill was introduced in Congress by Congressman Caminetti of Amador County along these lines, desired by the miners, the bill became a law in 1893 and was generally known as the Caminetti Act. A commission of three Federal Engineers, known as the California Debris Commission, then took charge. Anyone desiring to operate by the hydraulic process made application for a permit and at the same time, filed 260 surveys and plans, showing how much material was to be dislodged and how and where such debris would be stored. The California Debris Commission would then have their own engineers check up on these plans and then advertise a public hearing, at which anyone had the right to appear in opposition to the permit.

We held a meeting and discussed the attitude we should take and decided that our policy should be to make no appearances at such hearings and watch and see how the plan worked out for a while and depend upon the California Debris Commission doing the right and fair thing to all concerned. We knew full well that the members of the Commission were disinterested, and could be depended upon to look out for the Federal Government's interests, which was the navigability of the rivers and which the Federal Government had finally realized had been seriously threatened by past unrestricted hydraulic mining. The Government's interests were also our interests and time demonstrated that we had adopted the correct policy and since the adoption of the Caminetti Act, up to the present time, a total of over 1000 permits have been granted and we have never once appeared in opposition.

These permits have almost all been for minor operations as regulations laid down by the Commission, for concrete dams and other debris control structures entailed too much expense for large mines to operate at a profit.

The net result was that hydraulic mining as an industry, was a comparatively insignificant business and we of the valley considered that the hydraulic mining problem was a "past issue," for the following 34 years until 1927, when a "resurrection" took place when the so called Cloudman Bill was introduced in the Legislature, proposing an appropriation of \$300,000, for purchase of dam sites and to be followed by the construction of large dams with moneys to be obtained from State

and Federal funds. A few years before, after several years of investigations and surveys and at a cost of about \$1,000,000 a comprehensive water conservation plan for the entire state had been evolved, and as the proposed legislation was considered in conflict with that plan and for other reasons, it was strongly opposed and the attempted legislation defeated.

This was then followed by a series of meetings held by the Commonwealth Club in San Francisco, when both sides to the controversy were given hearings.

When the Legislature again met in 1929, a similar bill, known as the Seawell Bill was introduced, to carry an appropriation of \$200,000 and this was also again seriously objected to by the valley interests.

Public interest in both the mountains and the valleys was very intense; joint sessions of both houses of the Legislature were held and “spellbinders” representing both sides held forth in an effort to gain votes to their respective sides. The miners succeeded in their bill before the Assembly and it then went to the Senate. On May 13th, 1929, I appeared on behalf of the Sacramento Valley Anti-Debris Association, before the Senate Finance Committee of the Legislature and made the following argument:

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This bill which is before you and which is practically the same as the Cloudman Bill of two years ago has the distinct disapproval of the California Debris Commission, of General Jadwin, the Chief of Engineers of the United States Army, Washington, D. C., the great mass of the people of the Sacramento Valley, and it is distinctly opposed to and would complicate the co-ordinated plan for the development of the water resources of this State as outlined in Bulletin No. 12 and reported to the Legislature in 1927. Since the defeat of the Cloudman Bill two years ago I have, on numerous occasions, discussed this proposed legislation with a great many people living in the old hydraulic mining sections where are situated such places as La Porte, Gibsonville, Downieville, Camptonville, etc., and I speak advisedly when I state that I have yet to find in any of that large area any interest whatsoever in this proposed legislation simply because of the fact that the cream

of the hydraulic mining area was mined out years ago and what may be left, the people there know would not be profitable to work. The only section in the mountains which is showing the slightest interest in this bill is that on the south fork of the Yuba River where is left the only really worthwhile restricted area of good gold-bearing gravel, and which area is largely controlled by a few individuals who are making the sole effort to obtain this legislation.

After the long series of meetings held by the Commonwealth Club and where both sides of this controversy were given every opportunity to be heard and present their arguments, it was very distinctly shown that after taking Mr. Jarman's (the State's representative) estimate of the anticipated profit from the proposed hydraulic mining operations and comparing them with the estimates made by W. W. Waggoner of Nevada City, representing the mining interests, and Otto Von Geldern, representing the Valley interests, that the average net return which might be expected under these three estimates was slightly less than 2 3/4c per yard, and the conclusion which any reasonable person could arrive at was that the proposed mining under the conditions which would be imposed would be unprofitable and this was the same conclusion arrived at by the United States Government engineers. This conclusion must be right and is confirmed by the experience in the past since the year 1893 when the Caminetti Act became a law. For all those years, under the Caminetti Act, the mining interests could have, if they so desired, arranged for the construction of dams with the cooperation of the Government, but no effort was ever so made by them, undoubtedly for the reason that they did not think that it would prove profitable and they did not care to risk the investment. Now, they propose to have the State and Federal Governments assume that risk and invest the money in the dams and if the mines pay, the State and Federal Governments presumably will be reimbursed for their outlay; if, however, the mining does not pay, then the State and Federal Governments would be "holding the bag." This proposal, the Federal engineers have emphatically turned down and the State now has the proposal under consideration and it is now here before you gentlemen for some recommendation.

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Referring to the Judge Sawyer decision of 1884, that decision did not say that hydraulic mining was illegal, but that the dumping of the hydraulic by-products into the navigable rivers of the State

and onto the lands of the Valley was illegal and had to be stopped. Ever since then, from time to time, efforts have been made to evade the necessary restrictions, but as yet, without results. Being dissatisfied with their own Act which was passed by Congress and previously referred to as the Caminetti Act, the mining interests in 1904 persuaded President Roosevelt to send someone from the United States Geological Survey Department to investigate and ascertain if there was some other way of solving their difficulties. President Roosevelt sent out Professor G. K. Gilbert, who spent three years on his investigations and made a very exhaustive and complete report, but his conclusion was that there was no other way to handle the problem. This report disclosed the fact that the amount of deposits of mining debris between the years 1849 and 1914 in the San Francisco Bay system amounted to 1,146,000,000 cubic yards, that on the water sheds of the Yuba, Bear and American rivers only, there had been excavated 857,670,000 cubic yards of mining material which was eight times more material than was excavated in the construction of the Panama Canal. In the concluding statements of this report appears the following: "returning to the excavation of hydraulic mining, I shall assume that, in the future as now, the work on the auriferous gravel will be permitted ONLY on the condition that the tailings, both coarse and fine, will be kept from the rivers, also that the regulations that restrain hydraulic mining should not be made less stringent," and further, "with minor exceptions the gravels that remain in the Sierras cannot be worked properly so long as the cost of storage is added to the cost of washing."

In the face of all these reports no further efforts were made to have the restrictions modified by the mining interests until two years ago, when, as you know, the Cloudman Bill was introduced into the Legislature. As the report of Colonel Jackson, concurred in by General Jadwin, Chief of Engineers, should carry some weight with the State's representatives, I wish to bring to your attention a few extracts from the report: "The board believes, therefore that any resumption of hydraulic mining on a large scale should be undertaken only on such a basis as would justify private investors in assuming all the risks involved. This would mean that the mine owners should provide direct or indirectly all necessary debris-retention work." Again, "In other words, if the project is successful and mining develops at the rate expected, it will be of no advantage to the lower rivers so far as preventing the flow of sand into them is concerned." Again, "The California Debris Commission

is of the opinion that it is unwise for the United States to enter into partnership with a private company in a project of this kind.” Again, “Even though present plans may make it appear feasible to use the site for storage of debris without interference with its primary purpose of irrigation, this commission feels that the project, of which this site is an essential unit, IS SO VITAL TO THE WELFARE OF THE STATE AS TO PRECLUDE IT FROM THIS 263 INVESTIGATION” (this refers to the Narrows Dam near Smartsville). At these same hearings, it was brought out clearly that while the mining product, gold, was worth today exactly the same as its value was some sixty years ago, still the cost of materials, labor, etc., which were necessary in the operation of these mines, had advanced 67 per cent and that there was no promise that these mines could be operated at a profit after refunding to the State and Federal Government their investment for the construction of the proposed dams.

It is a well-known fact that when the Sawyer decision was made in 1884 when materials and labor and the expense of getting water was vastly less than they are today, still many of the mines had ceased to show profits. In an article published in the *Grass Valley Tidings* in 1884 after the Sawyer decision had been announced, statement was made in that article that the North Bloomfield Hydraulic Mine owed for water \$1,700,000 and it was time that they suspended washing by the hydraulic methods and commenced drifting the paydirt. Also that the Blue Tent Mine Company were so deeply involved financially that they had to stop operations and that the California Powder Company was endeavoring to collect a bill for \$70,000 and that there was not a dollar to meet their demand, and that the mine had recently been sold for \$15,000 and purchased by one of the creditors with the expectation that the Powder Company would pay the purchase price and take the mine. These mines were largely owned by foreign capitalists who lost a large amount of money in that investment. In view of these facts, the only conclusion which can be arrived at is the one that was arrived at by Colonel Jackson that it would be an unprofitable investment on the part of the State and Federal Governments to finance dams for the resumption of hydraulic mining.

Our mining friends have stated on many occasions that the Sawyer decision resulted in the confiscation of \$100,000,000 worth of property in the mining district; in view of the fact that mining was proving unprofitable even at that early date, it is rather hard to believe that there was

that much loss entailed to the hydraulic mining interests and no facts have ever been given to substantiate that figure. Assuming, however, for argument's sake that they did suffer that much loss, then our mining friends must remember that we in the valleys also suffered a tremendous loss and in the report of Major U.S. Grant, 3rd, Document No. 23, Sixty-ninth Congress, he states that the "expenditures by local interests both for flood control and reclamation since 1850 and up to 1925 amounted to \$86,645,855.87 and in addition the State of California had advanced the sum of \$4,479,463.76, making a total of \$91,125,319.63. As this does not include expenditures by the United States Government itself and as it does not include irreparable damage done to large areas of farming lands, it is readily to be seen that the total expense made necessary in the Valley because of the operations of hydraulic mining amounted to at least \$100,000,000, so that our losses and expenditures are equal, if they do not exceed, the amount of confiscation claimed by the hydraulic mining interests." Morally, I presume that the Valley interests have a claim for all of these 264 damages which have been inflicted upon them by the mining interests, but, of course, such a claim is uncollectable although we are justly entitled to damages.

Under the present Caminetti Act, hydraulic mining interests are now compelled to restrain their debris and so prevent damage to the property of others and they irk at those restrictions, but I want to call your attention to the fact that we in the Valley are also compelled to respect the rights of others even in our levee building. No levee district in the Sacramento or San Joaquin valleys can today either construct a new levee or repair an old levee without first making application before the Reclamation Board for its permission and that Board, in conjunction with the California Debris Commission, makes its investigations and ascertains whether such works of improvement are going to be made on safe and sane lines and in such a manner as will not jeopardize the properties of others. This is as it should be and we do not complain of these restrictions but welcome them in the interests of fair play, and our mining friends should do likewise.

We maintain that the future prosperity and the extreme limit of this great State's development in the future depends upon its future water supply and not upon its gold product. Hydraulic mining, according to the Jarman report, could not last, under the most favorable conditions, much over twenty years; on the other hand, it is vastly more important that the few reservoir sites in the

mountains of the Sierra be retained for the storage of water for the development of power and for the irrigation of the Sacramento and San Joaquin valleys than it is to have those storage basins filled with mining debris and so lose that capacity for water storage for all time to come. Even if these dams are constructed for storage of water, a great deal of that capacity will be encroached upon by the partial filling of them with mining debris still left in the canyons; and I want to impress that fact upon this Committee. On page 14 of Colonel Jackson's report appears the following: "Nearly 620,000,000 cubic yards remain lodged in the river beds and mine dumps in the mountains and in the large deposits built up at the points where the mountain streams enter the valley, while nearly 96,000,000 cubic yards remain in the navigable portions of the Sacramento and Feather Rivers."

In conclusion, we believe with the Government engineers, "that any resumption of hydraulic mining on a large scale should be undertaken only on such a basis as would justify private investors in assuming all the risks involved." This would mean that the mine owners should provide directly or indirectly all necessary debris-retention work. After the irreparable damage wrought in the State in the past by hydraulic mining, it is inconceivable that the State would now go into partnership with this same private industry by investing its money in a plan which has no promise or guarantee that the capital so invested will ever be returned; a plan, which also is in many ways in direct conflict with the State's own proposed plan for the coordination of the water resources of California, which means vastly more to the great future of the State than any other scheme, either private or public.

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We trust your action on this Bill will be along the same lines as has been that of the Federal Engineers.

There is just one more subject upon which I desire to dwell briefly before I close, and that is the subject of dams. The Yuba River has, I think, had more restraining dams built on it during the last fifty years than any other river in the United States, perhaps the world. The miners, in their early efforts to make the Courts believe that they were using every effort to restrain debris, built scores of dams, mostly of logs and some rock filled; of course they all failed as everyone expected. In addition to these smaller dams, several larger dams were built, among them the English Dam, a

very fine high dam which failed in June 1883 and precipitated an immense amount of debris into the lower reaches of the river and the escaping waters flooded a large area of farming lands south of Marysville, although it was in the summer time and the river was at a low state. Another dam was the North Bloomfield dam at Humbug Canyon, fifty feet in height and which soon filled to the top with debris, then more debris escaping over the top, filled the river bed below the dam until eventually the crest of the dam disappeared under the fill of debris. Another similar dam was constructed across Sucker Flat Ravine near Smartsville with similar results.

The State of California in 1880 constructed a dam across the Yuba River, about two miles in length and about eight miles east of Marysville at a cost of over \$200,000. This dam failed the following winter season. Then the State and Federal Governments appropriated \$800,000 for dams on the Yuba River, the Federal Engineers expending the money. They first constructed a well built dam of logs, rock filled, and that dam failed the next winter season. They then built two very fine concrete dams across the river but in a few years, these were totally destroyed. Probably over two millions of money was wasted in building dams on that river. At the present time there is only one real dam on the Yuba River and that is the Bullards Bar dam, and constructed by a power company. This dam, from original stream level to maximum high water level is 188 feet in height. Frankly, we haven't supreme confidence in this dam, which cost, I understand, about \$1,250,000. I have had experienced engineers criticize it severely because it has no "key" at the base, the dam really resting on the surface of the bed-rock; the dam is only 43 feet thick at the base and only 6 feet thick at its crest. Last year the rock walls on each side of the dam were so badly eroded that the Government engineers compelled the owners to spend a huge sum of money in concreting the ends of the dam, from top to bottom and I understand that more work of a similar character will be done this year. When this dam was built, it was announced that it was primarily for restraining hydraulic mining debris and that it was expected to hold forty million yards of mining debris. It was really intended for a power dam and the forty million yards of debris will never be deposited behind that dam for the very simple reason that there are not enough paying mines on that fork of the Yuba River ever to produce that amount of debris. That is the opinion of many experienced mining men of that 266 section. The old North Bloomfield Mine, and others like it, when they were running full blast years

ago, perhaps moved more material in one week than all the present very small mines now operating behind that dam, move in an entire season.

Now, please do not misunderstand me—we do not claim that dams cannot be built to restrain debris—we assume that they possibly can, *BUT* we must remember that very costly and finely constructed concrete dams in various parts of the country have failed within the last few years, also a well constructed earth filled dam recently collapsed, even before it was filled with water, so no one can absolutely guarantee the stability of any dam; there is always that possibility of failure. The failure of a dam in the mountains, filled only with water and causing a possible inundation of some farming lands for a few days, is one thing; but the failure of a dam, largely filled with debris is a vastly different proposition. Take the case of the proposed dam at the Narrows near Smartsville and behind which it is proposed to store 117 million cubic yards of mining debris from the South and Middle Forks of the Yuba River; if such a dam should fail and that mass of material be dumped on the top of the 330 million yards of old mining debris still remaining in the bed of the Yuba River from Marysville to the foothills, it would result in a catastrophe from which the valley lands there could never recover, as we must remember that the original river there was deep and about 600 feet in width, while now, that river there is three miles in width and the top of the old sand and debris bars is at places, 13 feet higher than the farming lands on the opposite side of the levee. The evil effect would not be confined to Yuba County, but most of the other counties to the west and south. *Can* you blame us for looking askance at such a plan? Where can the State possibly gain from this proposal to be a partner in the business of hydraulic mining? On the other hand, does not the State stand to lose in more ways than one and particularly in the loss of storage of water for the future needs of the State?

The bill shortly after came before the senate body for final action and the very interesting occurrences which took place will be given in a subsequent chapter.

CHAPTER XCVIII

Discussions Before the Commonwealth Club

AFTER the defeat of the proposed mining legislation known as the “Cloudman Bill” in the Legislature in 1927 there were numerous meetings held before the Mines Committee of that Club in San Francisco and many arguments, pro and con, were presented by persons qualified to speak intelligently and informatively on the subject of hydraulic mining. Many persons attended these meetings, among them being Colonel Thomas H. Jackson, of the California Debris Commission, who “listened in.”

In connection with the economic aspect of the problem, three opinions by three different engineers were of great interest, as follows:

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1. Mr. Arthur Jarman (who had been employed by the State to investigate the possibility of rehabilitation of hydraulic mining) had arrived at the conclusion that on the North, South and Middle forks of the Yuba River, the expected gross receipts per cubic yard was 10.9 cents while the expenses would be 7.0 cents per cubic yard, indicating a net return of 3.4 cents per cubic yard, after deducting .50 for dam payment.
2. Mr. W. W. Waggoner, a long time prominent engineer of Nevada City and representing the mining interests, made a report indicating expected gross receipts of 9.81 cents per cubic yard and the same total expense as Mr. Jarman of 7.0 cents per cubic yard so that Mr. Waggoner's anticipated net returns were 2.81 cents per cubic yard.
3. Mr. Otto Von Geldern of San Francisco, who had taken an active part in the early day hydraulic mining litigation and who was representing the Valley interests, placed his estimated gross returns at 10.00 cents per cubic yard and expenses at 8.05 cents per cubic yard, leaving an estimated net return of 1.95 cents per cubic yard, which however, included a deduction of one-half cent for dam payment.

The average of all three estimates was 2.72 cents per cubic yard for net returns. (Please remember that these estimates were on the old price of gold.) Since then, gold has been advanced to \$35;

on the other hand, labor and materials have also advanced; as for necessary water, that is also a debatable question.

Can hydraulic mining, under the proposed plan and under present conditions, be made profitable?

CHAPTER XCIX

Final Action on the Seawell Bill

How James Stewart's Victory was Turned into Defeat

THE Seawell Bill came up for final action by the Senate on the evening of May 15, 1929, the day before the Legislature was going to adjourn. Both sides had been very busy “button-holing” the Senators in an endeavor to win over votes.

The voting on the bill was about 9 o'clock that evening; when the roll call was completed, we had won by one vote and were vastly pleased that the bill was defeated; our satisfaction then changed to utter astonishment, when Senator Frank M. Merriam, (now Governor) who had voted against the bill, got up and changed his vote, and we then had lost by one vote. The bill then had passed both houses of the Legislature and would then go to the Governor for some action. Our side was not only astonished but felt very sore at Senator Merriam; he had promised to vote against the bill, he had really kept his word, but when he found that only one vote controlled the final action, he “had a change of heart,” and as we looked at it, “double-crossed us” and before the evening was over, I found an opportunity to so express myself.

Later on that same evening, I ran across our chief opponent, James Stewart in the 268 rotunda of the Capitol; he was in high spirits and very gleeful; he came up to me and said, “Well Bill, you and I have been fighting about hydraulic mining for the last forty years and at last I have you licked; now that the Seawell Bill has been passed, let you and I forget old scores and get our feet under a table and talk this matter over and agree where we are going to spend this \$200,000 for a dam site.” I replied, “Well, Jim, I don't know yet if we are licked because neither of us knows what action

Governor Young will take, he might veto the bill and the Legislature is going to adjourn tomorrow night.” Jim replied, “Now let me tell you Bill, what the Governor will do; he will take his time to consider the matter for the next thirty days and in the meantime, I'm telling you now, that I will have delegations wait upon him from various parts of the State, lots of telegrams will be sent to him, etc., and you just take it from me, he will not veto that bill.”

Well, that statement from Jim gave me some food for thought, so the next morning, promptly at 9 o'clock I was at the Governor's office waiting for him to arrive. He arrived promptly and I asked if I could see him for a few minutes and he invited me into his private office. I then told the Governor what had happened the night before, of Senator Merriam's switch in his vote and particularly what Jim Stewart had told me about the delegations and telegrams with which the Governor was going to be bombarded.

I then asked the Governor if he would permit me to make some suggestions, to which he answered, “Go right ahead Mr. Ellis.” I then said, “Governor, we who have been opposed to this bill, have no idea how you have felt in the matter but we have been under the impression that you were not favorable to this legislation; we have done our best to keep it away from you but as a result of Mr. Merriam's action, the bill is now in your lap and the Legislature adjourns tonight. Now if you *ARE* against this legislation, in my opinion there are two things which you can do; one is to take your time and finally veto the measure, if that should be your intention, and in the meantime, be harassed with delegations and telegrams and other influences brought to bear, all of which will be unpleasant, particularly if you finally veto the bill. The other thing you can do is to veto the measure at once, this morning; the bill will be immediately taken up again by the Legislature, an attempt be made to pass the bill over your veto, which, however, I am positive cannot be done, so the criticism, if any, because of failure of the bill becoming a law will fall on the Legislature, possibly more than on yourself.” The Governor said “I am inclined to act on your last suggestion and wish you would put in writing some pertinent things which I could use and bring same back to me by 11 o'clock this morning.”

I immediately went to Frank Jordan's office (Secretary of State) and fortunately he was in. I said, "Frank I want you to furnish me a stenographer and I am in a h—of a hurry"; he did so, she typed what I dictated and at 11 o'clock I was again at the Governor's office, handed him the information he had asked for. He looked it over and said, "Now take this downstairs to the office of my private attorney, Mr. Cook, and 269 show this to him and give him answers to any questions he may ask you." On my way down to Mr. Cook's office, I met Mr. Adrian McMullen of Yuba City and the two of us called on Mr. Cook and gave him answers to a few questions he asked.

About two hours afterwards, just as I had finished having lunch at the Sutter Club, Mr. Bert B. Meek, who at that time was the State Director of Public Works, came over to me and whispered in my ear, "Say Bill, I have just read the veto message you wrote for the Governor; he has just sent it to the Legislature." That afternoon, the Legislature attempted to pass the bill over the Governor's veto, but could not muster enough votes to do so.

Late that afternoon, I ran across Jim Stewart, "and was he mad." He unbosomed himself to me for a while, expressing his opinion of the Governor's action in being so hasty; I told him that he had only himself to blame, that if he had not told me the night before of the pressure he was going to put on the Governor, that I would never have thought of going to the Governor the next morning and making some suggestions to him, which he had followed. Jim said, "Well Bill, this is not the end, I am going to take this before the people of this State." What happened next, will be disclosed in the following chapter.

CHAPTER C

James Stewart's Threatened Referendum

IN THE preceding chapter, I told of the veto of the Seawell Bill by Governor Young and that James Stewart had told me that he then proposed to take the matter before the people of the State, at the next general election. At first, we thought that Jim was just mad and would cool off before long; later on, we got word from several sources that he really meant what he had said. Well, he had us

scared; we realized that if he went before the people of the State with a slogan of "Let's get the gold out of them thar hills," that it would appeal very likely to the mass of the voters, who had no direct interests at stake and would very likely be favorably impressed by such a slogan. The hydraulic fight had been so many years in the past, the old timers had largely passed on, youngsters had grown up, new people had come to the State, and when people, living right here in Marysville, came to me and asked just what were the objections to hydraulic mining anyway, I realized that we would be up against a good stiff lot of educating and necessary propaganda, if we should win in such a fight and that it would require a lot of hard work and finances.

We presented the matter to the Boards of Supervisors of Yuba and Sutter Counties and each county put up \$3,000 to the Anti-Debris Association for expenses. We decided first to disseminate information by having Mr. Adrian McMullen of Yuba City make a trip to the south, which he did, calling on various newspaper editors, Chambers 270 of Commerce, etc., in the central and southern parts of the State. In the meantime, I got to work and compiled a history of the hydraulic mining history of the past, which consisted of numerous questions and the answers, all in an effort to make same interesting and attractive enough to engage the reader's attention and have a favorable influence; we had thousands of these booklets printed, which were entitled, "JUST WHAT IS HYDRAULIC MINING?" Mr. Stewart, however, never went through with his plan for a referendum. So that there may be some records of the contents of this pamphlet, and as it contains a rather complete history of that long contest between the valley and the mountains, it is given herewith complete.

QUESTION: *JUST WHAT IS HYDRAULIC MINING?*

ANSWER: In the famous decision of Judge Lorenzo Sawyer of the United States Circuit Court, in 1884, he states, "Hydraulic mining, as used in this opinion, is the process by which a bank of gold-bearing earth and rock is excavated by a jet of water, discharged through the converging nozzle of a pipe, under great pressure, the earth and debris being carried away by the same water, through sluices, and discharged on lower levels into the natural streams and water courses below. Where the gravel or other material of the bank is cemented, or where the bank is composed of masses of

pipe-clay, it is shattered by blasting with powder sometimes from fifteen to twenty tons of powder being used at one blast to break up a bank. In the early periods of hydraulic mining as in 1855, the water was discharged through a rubber or canvas hose, with nozzles of not more than an inch in diameter; but later, upon the invention of the 'Little Giant' and the 'Monitor' machines, the size of the nozzle and the pressure were largely increased, till now the nozzle is from four to nine inches in diameter, discharging from 500 to 1,000 inches of water under a pressure of from three to four or five hundred feet. For example, an eight-inch nozzle at the North Bloomfield mine discharges 185,000 cubic feet of water in an hour, with a velocity of 150 feet per second. The excavating power of such a body of water, discharged with such velocity, is enormous; and, unless the gravel is very heavy or firmly cemented, it is much in excess of its transporting power." (18 Fed. 753.)

QUESTION: *WHAT QUANTITY OF MATERIAL WAS MOVED IN THIS WAY?*

ANSWER: In 1904, at the request of the Hydraulic Mining interests, President Roosevelt sent out Professor G.K. Gilbert, of the U.S. Geological Survey Department to investigate and ascertain if there was some other way of solving the miner's difficulty other than by the Caminetti Act. Professor Gilbert spent three years on his investigations and made a very complete report but his conclusion was, there was no other way to handle the problem. This report disclosed the fact that the amount of 271 deposits of mining debris between the years 1849 and 1914 in the San Francisco Bay system amounted to 1,146,000,000 cubic yards; that on the water sheds of the Yuba, Bear and American Rivers alone, there had been excavated 857,670,000 cubic yards of mining material which was eight times more material than was excavated in the construction of the Panama Canal.

QUESTION: *HOW MUCH MATERIAL IS LEFT IN THE LOWER RIVERS?*

ANSWER: According to Major William W. Harts of the California Debris Commission, "The low water plane of the Yuba River at Marysville was raised 15 feet between the years 1849 and 1881. Between the years 1881 and 1905 there was an additional raise of three feet, making a total raise in the low water plane of 18 feet (the actual fill in the main channel being 26 feet). The depth of fill of mining debris in the Yuba River averaged from 7 1/2 feet at Marysville to 26 feet at Daguerre Point

and 84 feet at Smartsville. A short distance east from Marysville, the bed of the Yuba River was 13 feet above the level of the surrounding farms.” The quantity of material lodged in the river due to mining has been variously estimated, but it seems safe to say that there are now (1905) upwards of 333,000,000 cubic yards in the bed of the lower Yuba, this in a distance of about eight miles above Marysville.” Remember, this was only on the Yuba River; other rivers such as the Feather, Bear, American, etc., were similarly affected with mining debris deposits.

QUESTION: *IS THERE ANY OF THIS MATERIAL AT THE PRESENT TIME STILL LEFT IN THE MOUNTAIN CANYONS?*

ANSWER: According to Colonel T.H. Jackson of the California Debris Commission, there are “Nearly 620,000,000 cubic yards remaining lodged in the river beds and mine dumps in the mountains and in the large deposits built up at the point where the mountain streams enter the valley.” This material is gradually being washed down to the navigable rivers and bays.

QUESTION: *AT THIS TIME ABOUT HOW MUCH MINING MATERIAL IS THERE IN THE LOWER RIVERS?*

ANSWER: According to Colonel T.H. Jackson, “Nearly 96,000,000 cubic yards remain in the navigable channels of the Sacramento and Feather Rivers.”

QUESTION: *WHAT EFFECT HAS THIS MATERIAL DUMPED IN THE RIVERS HAD ON NAVIGATION?*

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ANSWER: Before the advent of Hydraulic Mining, tidal effect was felt up the Feather River to Nicolaus, 19 miles below Marysville, or about 175 miles from San Francisco by river. The Feather River was navigable to Oroville, about 141 miles from the mouth of the Sacramento River and the Sacramento River itself was navigable to Red Bluff, about 250 miles from the mouth of that river. Mining debris, however, ruined navigation on the Feather River many years ago and it is not being navigated now. The Sacramento River to Colusa is now very difficult at times to navigate.

QUESTION: *NOTWITHSTANDING THE FACT THAT YOU STATE THAT NAVIGATION IN THE FEATHER RIVER HAS BEEN DESTROYED BY HYDRAULIC MINING, AND I UNDERSTAND ALSO THAT THE SACRAMENTO RIVER HAS BUT LITTLE NAVIGATION ABOVE COLUSA, IS THE MAIN CHANNEL STILL VALUABLE FOR NAVIGATION?*

ANSWER: The Sacramento River has not only been a prime factor in the tremendous crop production in the Valley, but it is equally valuable as a channel for the transportation of products. It is said of the Sacramento River that it leads all streams in the world in its shipment of products grown along its banks. In the last eight years, the tonnage handled averaged 1,272,534 tons per year, to the value of \$69,576,499 per year and at the same time an average of 85,760 passengers were transported annually. Please understand that to maintain this navigation is expensive to the Federal Government and on the navigable portion of the Sacramento River last year, it cost a total of \$186,441.78 to dredge out mining debris bars and various other kind of work to permit this navigation, and this kind of expense has been going on annually for a long time and will be necessary for a long time in the future. From this it may be seen that the Sacramento River is too valuable a river to permit being damaged to any further extent by the rehabilitation of hydraulic mining behind dams which may or may not restrain such debris, and 96,000,000 cubic yards of mining debris now in the navigable river, is more than sufficient to cope with without being added to in even a minor degree.

QUESTION: *ASSUMING THE POSSIBILITIES OF A DAM FAILING, IS THE ELEMENT OF DANGER GREATER IF THE DAM IS FILLED WITH DEBRIS OR FILLED WITH WATER?*

ANSWER: There is always an element of danger to any dam. Engineers will claim that they can be built so they will not fail, but what guarantee can be given? We *KNOW* that in recent years, very finely constructed dams *HAVE* failed, not only here in California, but in other parts of the United States and as we in the Valley see 273 it, there would be vastly more danger if a dam failed which was used more largely for the storage of debris than for water. For example, assuming that a dam was built at the "NARROWS" near Smartsville, about 20 miles upstream on the Yuba from Marysville, and should be restraining water alone; if the dam should fail, a huge quantity of water

would be released which would overflow a large area, but in a brief time the water would have drained off and the discharge might result in an improvement in the channels of the river itself. On the other hand, if that same dam should fail filled largely with mining debris, that enormous amount of mining debris dumped into the river would undoubtedly have the effect of filling it up for quite a number of miles and cause the river to adopt an entirely new channel and results would be not only disastrous, but almost impossible to correct afterwards.

QUESTION: *WHAT EFFECT HAS THE FILLING OF THE RIVERS HAD ON THE VALLEY FARMING LANDS?*

ANSWER: The filling of the river channel resulted in an almost annual overflow of the farming lands, necessitating the construction of levees by the land owners at enormous expense.

QUESTION: *DID THE STOPPAGE OF HYDRAULIC MINING CAUSE MATERIAL LOSS TO THE MINERS?*

ANSWER: The mining interests have stated on many occasions that the Sawyer Decision resulted in the confiscation of \$100,000,000 worth of property in the mining districts, but in view of the fact that hydraulic mining was commencing to prove unprofitable about the time of that decision, it is rather difficult to believe that there was that much loss entailed to the hydraulic mining interests and no facts have ever been given to substantiate that figure.

QUESTION: *WHAT HAS BEEN THE COST OF LEVEES, ETC., MADE NECESSARY BY HYDRAULIC MINING?*

ANSWER: In the report of Major U.S. Grant, 3rd, Document No. 3, Sixty-ninth Congress, he states that the "expenditures by local interests both for flood control and reclamation since 1850 and up to 1925 amounted to \$86,645,855.87, and in addition the State of California had advanced the sum of \$4,479,463.76, making a total of \$91,125,319.63." As this does not include expenditures by the United States Government itself and as it does not include irreparable damage done to large areas of farming lands, it is readily to be seen that the total damage and expense made necessary

in the Valley because of the operations of hydraulic mining amounted to vastly more than the \$100,000,000 “confiscation” claimed by the hydraulic mining interests.

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QUESTION: *WAS THERE ONLY ONE SUIT TO STOP HYDRAULIC MINING?*

ANSWER: No, there were scores of suits with different mines.

QUESTION: *WHO STOOD THE EXPENSE OF THESE SUITS?*

ANSWER: The early suits were largely financed by voluntary subscription by the landowners whose lands were affected, and up to the year 1882 there had been contributed in this way by private subscriptions a little over \$65,000 for such purposes. About that time Yuba and Sutter counties through their Boards of Supervisors jointly financed these suits and between the years 1882 and 1907 inclusive, the two counties had jointly expended \$394,983.62 in this way; then Sacramento County joined in and took charge of the litigation. Please understand that this is for legal expense alone. In addition to this, Yuba and Sutter counties in the meantime, up to 1901, had expended \$5,747,329.59 for construction of levees. Since that time many million dollars additional have been expended under the State Flood Plan by these two counties.

QUESTION: *DO YOU MEAN TO SAY THAT THE BURDEN OF THE EXPENSE FOR LITIGATION TO STOP HYDRAULIC MINING WAS ALL UPON A FEW COUNTIES AND THAT WHILE THOSE COUNTIES WERE ENDEAVORING TO SAVE THEMSELVES FROM DESTRUCTION FROM HYDRAULIC MINING, THEY WERE AT THE SAME TIME PRACTICALLY MAKING THE FIGHT TO PREVENT THE DESTRUCTION OF THE NAVIGABLE RIVERS AND BAYS, AND THAT THE FEDERAL GOVERNMENT ITSELF HAD NOT, AND DID NOT, MAKE ANY EFFORT ITSELF TO PROTECT ITS RIVERS AND BAYS?*

ANSWER: Yes, I mean just that. Also, that after the U.S. Circuit Court finally went on record in the Sawyer Decision, even then, those same counties had to furnish the funds to carry out the Court's decrees.

QUESTION: *WERE THERE OTHER EXPENSES NECESSARY BESIDES LEGAL EXPENSES?*

ANSWER: Yes, in every suit before it was commenced, it was necessary to get proper information that mines were operating and doing damage so as to have proper testimony to prosecute such suits. This information was very difficult to obtain because the mine owners had armed guards surrounding their mines to ward off any outsiders who might come near the mines.

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QUESTION: *WHAT WAS THE REAL DECIDING SUIT IN THIS LEGAL FIGHT?*

ANSWER: This was the decision of Judge Lorenzo Sawyer, of the United States Circuit Court in 1884. The decision was very lengthy, the testimony was contained in 12,000 pages of printed matter.

QUESTION: *DID THIS DECISION STATE THAT HYDRAULIC MINING WAS ILLEGAL?*

ANSWER: No; but it did declare that the dumping of the by-products (debris) from hydraulic mining into the rivers was illegal.

QUESTION: *IS THE PRINCIPLE LAID DOWN BY THIS SAWYER DECISION THE LAW OF THE LAND TODAY?*

ANSWER: It is.

QUESTION: *DID HYDRAULIC MINING IMMEDIATELY CEASE AFTER THIS DECISION?*

ANSWER: No, for the reasons just set forth, that it was difficult to obtain information to sustain suits against mines because of armed guards surrounding the mines.

QUESTION: *WAS IT NOT ARRANGED LATER ON TO LICENSE HYDRAULIC MINING?*

ANSWER: Yes, in 1893 the Caminetti Act was adopted by Congress at the request of the mining interests and it is still in force at the present time. Under this act a hydraulic mine was permitted to operate after it had obtained permission to do so from the California Debris Commission which consisted of three United States Government Engineers. Before such permission was granted, the mine owner had to convince this Commission that it would be possible to properly restrain the mining debris by dams, etc.

QUESTION: *DID THIS ACT PROVIDE FOR GOVERNMENT COOPERATION IN BUILDING DAMS FOR STORAGE OF DEBRIS?*

ANSWER: Yes, but this cooperation required a payment of three per cent of the gross proceeds of mining for storage and no dam was ever constructed under this provision, or ever asked for by the miners.

QUESTION: *ABOUT HOW MANY LICENSES HAVE BEEN GRANTED 276 UNDER THE CAMINETTI ACT BETWEEN 1893 AND THE PRESENT TIME?*

ANSWER: Something like 1000 licenses have been granted and I might state that the Valley interests have never made a single objection to any permit so granted, as we had perfect confidence in the fairness and good judgment of the members of the California Debris Commission, the personnel of which changes about every 4 years. At the present time, 29 mines are operating under permits.

QUESTION: *DID THE CAMINETTI ACT PROVE SATISFACTORY TO THE MINERS AND ACCOMPLISH WHAT THEY HAD EXPECTED OF IT?*

ANSWER: No, the restrictions which were imposed upon the miners irked them and they became dissatisfied and finally in 1905 President Roosevelt, at the request of the California Miners' Association, sent out Professor G.K. Gilbert of the U.S. Geological Survey to investigate conditions both in the mountains and in the valleys and endeavor to ascertain if there was any possible way to rehabilitate hydraulic mining. Professor Gilbert put in three years on this work and made a very

voluminous report contained in a book of some 150 pages and under the head of "THE OUTLOOK FOR HYDRAULIC MINING," appears the following significant statement: "The regulations that restrain hydraulic mining should not be made less stringent unless the advantage from the mining is of greater moment than the disadvantage to navigation that the change of policy might entail." His conclusion was that there did not appear to be any way to solve this problem other than under the Caminetti Act. Might I not relate a rather amusing experience that befell Professor Gilbert? When he first came to make his investigations, he spent considerable time in the Bay area, then he came to the Valley and I had the pleasure of showing him about here for several weeks the result of mining and our levee building; he then announced one day that he was about to investigate the mining section and I suggested that he keep away from the mines but go direct to the owners and have them show him around. As he related the matter to me later on, when he left for the mountains, on his way up he saw a hydraulic mine at some distance from the road and his curiosity getting the better of him, he tied his horse at one side of the road and proceeded on foot to get a better view of the mine. When he got quite close, he was suddenly confronted by a man armed with a shotgun who demanded that Mr. Gilbert depart. Mr. Gilbert endeavored to explain but without avail and departed and then went to the mine official's office. Later, when the officials were apprised of the occurrence, they were profuse with apologies to Mr. Gilbert but the occurrence apparently made quite an impression on him besides the evident amusement he got out of it.

QUESTION: *WHAT HAPPENED NEXT?*

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ANSWER: Nothing was done for many years, until the meeting of the Legislature in 1927 when a report was made known as the Jarman Report, which was authorized by the Legislature of 1925, on the feasibility of the resumption of hydraulic mining.

QUESTION: *WHAT DID THIS REPORT SHOW?*

ANSWER: This report (page 33) states that an “Inspection of the more important gravels in these districts for the present hydraulic mining commission showed that only 712,000,000 cubic yards could be regarded as workable under the changed conditions.”

QUESTION: *WHAT WAS THE RESULT OF THIS REPORT?*

ANSWER: This resulted in a bill being introduced in the Legislature known as the Cloudman Bill, asking for an appropriation of \$300,000 to be expended by the State in acquiring dam sites with the idea that dams would be eventually constructed by the State and Federal Governments to restrain hydraulic mining debris and the State and Federal Governments to be reimbursed by the miners paying for storage of such debris behind those dams.

QUESTION: *DID THIS BILL BECOME A LAW?*

ANSWER: No, it was defeated in the Legislature, and two years later a similar bill for \$200,000 was introduced, known as the Seawell Bill and this bill was passed by the Legislature but vetoed by the Governor.

QUESTION: *WHAT WAS THE ATTITUDE OF THE CALIFORNIA DEBRIS COMMISSION IN REGARD TO THESE BILLS?*

ANSWER: When the first bill was introduced in the Legislature, and later defeated, a series of meetings were held before the mining section of the Commonwealth Club in San Francisco where both the Valley and the mining interests were given every facility to present arguments both pro and con and a great deal of information was disclosed. These meetings were attended by Colonel Thomas H. Jackson of the California Debris Commission who listened to all the arguments and later on, at the conclusion of the meetings he made a report to General Jadwin, Chief of Engineers of the U.S. Army, Washington, D.C. and in that report were some comments and conclusions which Colonel Jackson arrived at, as follows:

“The Board believes, therefore, that any resumption of hydraulic mining on a large scale should be undertaken only on such a basis as would justify private investors in assuming all the risks involved. This would mean that the mine owners should 278 provide directly or indirectly all necessary debris-retention work.

“The Board concludes that the construction of retention dams with Federal funds to enable a resumption of hydraulic mining is not justified at the present time.

“The debris commission believes that the United States should not enter into partnership with a private power company for the purchase of storage rights.”

QUESTION: *JUST WHAT CONCLUSION HAVE THE VALLEY INTERESTS ARRIVED AT?*

ANSWER: We maintain that the future prosperity and the extreme limit of this great State's development in the future depends upon its future water supply and not upon its gold product. Hydraulic mining, according to the Jarman report, could not last, under the most favorable conditions, much over twenty years; on the other hand it is vastly more important that the few reservoir sites in the mountains of the Sierra be retained for the storage of water for the development of power and for irrigation of the Sacramento and San Joaquin Valleys than it is to have these storage basins filled with mining debris and so lose that capacity for water storage for all time to come for irrigation and power purposes.

QUESTION: *YOU HAVE PREVIOUSLY STATED THAT AT THE TIME OF THE DECISION OF JUDGE SAWYER OF 1884, THAT AT THAT TIME HYDRAULIC MINING WAS NOT PROVING VERY PROFITABLE. I PRESUME BECAUSE THE RICHER GRAVEL DEPOSITS HAD BEEN PRETTY THOROUGHLY WORKED OUT BY THAT TIME. IF SUCH IS THE CASE, HOW WOULD THAT CONDITION BE AFFECTED AT THE PRESENT TIME?*

ANSWER: In the hearings before the Commonwealth Club, it was pretty well brought out that the cost of labor and material necessary for such mining operations is at least sixty-six and two-thirds per cent greater now than it was in the unrestricted mining days, and you must remember that the

output of the enterprise (gold) has no higher value now than it had then. It would appear therefore that it would be quite uneconomical to carry on hydraulic mining now under conditions which might require more expensive methods to hold back the debris, than were ever used before.

QUESTION: *ABOUT WHAT IS THE AVERAGE GROSS EXPECTED YIELD PER CUBIC YARD NOW IN HYDRAULIC MINING?*

ANSWER: For all practical purposes it has been considered a fair average yield per 279 cubic yard in the middle and south Yuba mining region is 10 cents. In that section it has been shown that during the old hydraulic mining days the cost was \$0.0453 for operations; if present advance costs today for labor, material, etc., are now sixty-six and two-thirds per cent more than the old cost, then today's cost would be \$0.0755 and subtracting the latter figure from the estimated 10 cent gross, would leave a profit of \$0.0245. In other words, if 1,000,000 cubic yards of material were washed away, the net profit would amount to \$24,500 and if we take Jarman's report which contemplated washing of 137,392,000 cubic yards in the middle and south Yuba mining region in 20 years, this would average 6,869,600 yards a year. If that be done, the average net profit would be \$168,305 and at eight per cent per annum, would represent an invested capital of \$2,103,800.

I might also state that on the Yuba river three estimates were made on probable net returns, one by Mr. Jarman who got up the report to the State, the other by Mr. W. W. Waggoner, of Nevada City, representing mining interests and one by O. Von Geldern, representing Valley interests. Their conclusions were as follows:

Mr. Jarman: Gross receipts .109 less total expense .075 net returns .0340 per cubic yard.

Mr. Waggoner: Gross receipts .0981 less total expense .07 net return .0281 per cubic yard.

Mr. Von Geldern: Gross receipts .10 less total expense .0805 net return .0195 per cubic yard.

The average of the three above would be a net return of .0272 per cubic yard which would not appear very profitable as a mining proposition. Please remember that this is all on the Yuba River

where the most valuable gravels are to be had. All the other rivers would not expect to show as good results as values in gravels are less.

QUESTION: *ISN'T THERE AN OLD SAYING THAT THERE HAS BEEN JUST AS MUCH MONEY EXPENDED IN THE MOUNTAINS IN TRYING TO GET THE GOLD OUT AS THERE HAS BEEN ACTUALLY GOLD RECOVERED?*

ANSWER: Yes, there is such a saying and there is undoubtedly a great deal of truth in it. In any event, gold production is insignificant with agriculture, for example, the Jarman report estimates in 20 years behind three of the dams there *MAY* be produced \$10,000,400 in gold; this would be an average of \$500,000 per year. Now just compare this with the *ANNUAL* production of fruits, grapes, grain and other such products in the two small counties of Yuba and Sutter which average about \$14,000,000 each year and requires vastly more labor than mining.

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QUESTION: *WERE ANY ESTIMATES MADE ON RESERVOIR CAPACITY FOR STORAGE OF MINING DEBRIS AND COST OF THE DAMS NECESSARY FOR SAME?*

ANSWER: Yes, in Colonel Jackson's report, the reservoir capacity which would be available behind nine dams on the Yuba, Bear and American Rivers would be 375,700,000 cubic yards of debris and these nine dams would cost about \$12,085,600 and the average units cost for all of them for storage would therefore be \$0.0286 per cubic yard, or practically three cents per cubic yard.

QUESTION: *WOULD IT NOT BE VASTLY MORE BENEFICIAL TO THE WHOLE STATE IF IN PLACE OF HAVING THE STATE AND FEDERAL GOVERNMENTS BUILD THESE DAMS AND HAVE SOME 375 MILLION CUBIC YDS. OF DEBRIS STORED BEHIND THEM IN SAY THE NEXT 20 YEARS, THAT THIS STORAGE AREA BE RETAINED FOR THE STORAGE OF WATER FOR THE FUTURE NEEDS OF THE STATE?*

ANSWER: That question "hits the nail right on the head" and brings out our chief contention that it would be the height of folly for the State to go into partnership with a private industry, which,

if it proved successful would mean that the State would reap no profit whatever, but on the other hand, would help in losing reservoir space for the storage of water for the future needs of the agricultural interests in the State. Colonel Jackson in his report particularly called attention to this matter in the case of the proposed dam at the Narrows on the Yuba River and behind which the capacity for storage for debris would be almost three times greater than the storage of any of the other eight dams; this dam would be the most expensive, the estimate being \$3,524,000 and the storage was to be 117,000,000 cubic yards of debris; Colonel Jackson stated in connection with this proposed dam, “even though present plans may appear feasible to use this site for storage of debris without interference with its primary purpose of irrigation, this Commission feels that the project of which the site is an essential unit, is so vital to the welfare of the State as to preclude it from this investigation.” This meant that it would conflict with the State's plan for the conservation of water.

QUESTION: WAS THERE NOT SOME PROPOSITION OFFERED BY A POWER COMPANY IN CONNECTION WITH THIS DAM AT THE NARROWS?

ANSWER: Yes, the Yuba River Power Company made an offer that it would build this dam and sell outright for \$1,500,000 some 350,000,000 cubic yards of storage space for debris. This dam had been planned as a commercial venture involving a 281 combined, power, irrigation and debris project and it was contemplated that the United States Government would furnish one-half the funds to purchase this storage and the State of California the other half, but Colonel Jackson in his report stated that “the Debris Commission believes that the United States should not enter into partnership with a private power company for the purchase of storage rights.”

QUESTION: IS THE WATER PROBLEM NOW SERIOUS IN SOME PORTIONS OF THIS STATE?

ANSWER: For centuries in the past the melting snows of the Sierra Nevadas filled the streams that poured into the Sacramento and San Joaquin Valleys and underneath the floor of the Valley millions of acre feet of water were stored. Rapid advances in agriculture made necessary the pumping of water from wells throughout these valleys and this has resulted in the lowering of that water table so that at present, in several of the counties of the San Joaquin Valley, the situation is

getting alarming, and in the Sacramento Valley it would appear that in a few years a similar serious lowering of the water tables will occur. The first motor driven pump for irrigation was installed in Tulare County in 1901 and there was no water problem then, but records show that during the past four years, 400 wells have been abandoned in Tulare County and 1500 others have been deepened and their lifting capacity increased. Practically in 30 years this great underground reservoir in the San Joaquin has been largely dissipated and today the question is, whether or not surplus flood waters of the Sacramento River and its tributaries, now flowing into the ocean, can be diverted in the San Joaquin Valley to care for their increasing needs. According to Bulletin No. 12, *Water Resources of California*, compiled by the Department of Public Works, if all the water resources of the San Joaquin Valley were used, there "is little more than half enough water for its future needs." It would appear that before long, a very similar situation will prevail in the Sacramento Valley and that is why we seriously object to the construction of dams in the Sierras to hold mining debris in place of keeping that storage of water for future needs.

QUESTION: *WELL, THIS HAS ALL BEEN VERY INTERESTING AND INSTRUCTIVE. WE DO NOT KNOW OF ANY MORE QUESTIONS TO ASK. HAVE YOU ANYTHING TO SUGGEST?*

ANSWER: Yes, I would suggest that you consider all of these matters very carefully and seriously and that when you vote on this question next November, that you will come to the same conclusion that the Federal Government's Engineers have arrived at, that it would be unwise to enter into partnership with a private industry and that the State of California should not do so either. Also that you conclude that it is 282 tremendously important to retain all possible storage basins for the storage of water for future development and needs of the State and that it would be the height of folly to sacrifice a large portion of that storage area for the storage of vast quantities of mining debris for the momentary gain of a few million dollars of gold in the next twenty years.

CHAPTER CI

Water Conservation Project Referendum Election in December 1933

AFTER many years of investigation, surveys and close studies, entailing an expenditure of about one million dollars, the Water Conservation Plan for the State was formulated, for the conservation, development and distribution of the water resources of California. The plan was investigated and received approval by the Chief of Engineers of the United States War Department in June 27, 1933; by the United States Bureau of Reclamation on July 7, 1933 and by the United States Senate Committee on Irrigation and Reclamation in February 1933. In formulating the plan, assistance was also rendered by boards of consulting engineers and by University of California economic, agricultural and irrigation experts. After a careful study of the Report, I came to the conclusion that it was a very excellent program; that there was immediate need for some portions of the plan but that eventually, as necessity demanded, other portions of the plan would also be carried out and, as the future development of the State, particularly agricultural development, would be limited only by its water supply, that it would be only a question of time before all the plan was eventually carried to completion.

What impressed me greatly were the results which could be accomplished by the construction of the Kennett Dam. It would assist in flood control, salinity control, restore navigation to Red Bluff (and incidentally, partially to Marysville), seepage with resultant higher underground water table, and competition with power companies with resultant cheaper power. Many realized the fact that it would be good business to store for summer use, some of the immense amount of water which was permitted to go to waste to the ocean during winter months but few realized the amount of such waste; few persons knew that the Sacramento River drained twenty counties in California while the Mississippi River drained thirty-one states; yet the discharge in the Sacramento River in the 1907 flood was 600,000 second feet which was one third of the greatest flood discharge of the Mississippi River. Again, it was estimated that seventy-five per cent of the State's water ran to waste each year and during the summer months, water was badly needed; in the lower end of the San Joaquin Valley, over 200,000 acres of highly developed lands were now waste because of lack of water and another 200,000 acres were gradually getting in the same condition; in the Santa Clara Valley the water table had dropped so low that water was difficult and expensive to obtain

and in our adjoining County of Sutter, wells were being dug deeper for more water supply and salt water had commenced to make its appearance in some of these wells.

The plan was brought before the Legislature in 1933 and was approved, the combined vote of the Senate and Assembly being 81 votes for adoption and 26 votes against adoption. Just previous to its adoption, an amendment had been added to provide for a power transmission line, from the Kennett Dam to Antioch to permit of convenient distribution of electrical energy to load centers traversed thereby, or capable of service therefrom. Up to this time the “power trust” was complacently looking on, anticipating the time when the Kennett Dam and Power House were constructed and they would then step in and without any investment, except for some additional distributing system, contract for the power developed and absorb same into their system, but this amendment raised their ire, they foresaw competition and immediately a fight was promised.

This culminated in a special referendum election to be held in the State on December 19, 1933, to give the people an opportunity to express their approval or disapproval to the project. I made up my mind that I would get behind the project and render it whatever assistance I could.

The first “local gun” to be fired against the project was an editorial in the *Appeal-Democrat* of July 27, 1933, and in which was stated that “it is to be noted that Senators W. P. Rich of Marysville and Senator Charles H. Deuel of Chico, both leading spokesmen for the Sacramento Valley in the Senate, opposed the Central Valley Water Project in the Senate,” etc. (In fact, the [then] Lieutenant Governor, Frank F. Merriam, had Senator W. P. Rich write the argument against the project, which was sent to each elector in the State when sample ballots were mailed out.) As there was so much misinformation and misunderstanding about the project and the proposed plan of partial financing by means of a “grant” from Federal funds in the interest of navigation and flood control, the balance to be financed by revenue bonds, which would not be any lien on real property in the State, I replied to this editorial under date of August 24th with an eight page letter, giving all the true facts and the benefits to be derived, etc., in the hope that our local paper might see that it was in error, but without results. About that time, a Mr. A. G. Athern, a San Francisco lawyer, became very active in circulating propaganda against the project throughout the State; he apparently had unlimited funds

at his disposal and there was conducted a deliberate and vicious campaign of misrepresentation; many small newspapers were apparently “bribed” with expensive advertisements and even banks were “bribed” by having large deposits made with them by the power companies and no interest demanded on same. It soon became quite generally understood that Mr. Athern was representing the “power trust” in his campaign.

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To combat this, a State Water Plan Association was formed, with headquarters at Sacramento with Mr. Bradford S. Crittenden of Stockton as President, Mr. I. N. Inman of Sacramento as Vice-President and Mr. P. D. Nowell of Tulare as Secretary. Funds were raised by donations from various people, firms and corporations from all over the State, speakers were engaged to appear at various places, much literature was circulated and an energetic campaign of truthful information and education started.

Personally, I made up a mailing list for my own use, covering members of Boards of Supervisors, City officials, newspapers, Chambers of Commerce, members of the Legislature, Farm Bureaus and Grange organizations, etc., throughout the State and of course, a large number of people of Yuba and Sutter Counties as well as Butte and Yolo Counties. I had circulars printed from time to time giving reasons why they should vote in favor of the Water Conservation Legislation; I mailed out thousands of these circulars and expended about \$800 of my own money in so doing; I was determined, if possible, to have Yuba County at least make a favorable showing.

Locally, Senator Rich, Senator Deuel, and Assemblyman Frazier were out campaigning against the project, making speeches at many places before service clubs, farm bureau meetings, etc., and I made an effort to follow them up at these same places making talks and combatting their arguments and showing the misinformation which they were disseminating. For about two months, I had engagements at various places in the surrounding counties and as most of these meetings were held in the evening and some were at quite long distances, my night sleeping hours were cut rather short. I had many amusing and interesting experiences, particularly on several occasions when I had to debate the matter with some speaker opposite the stand I was taking.

My circulars appeared to “go over” well; the Chairman of the Campaign Committee, wrote me, saying, “You have certainly put up a grand battle and I know that every one associated with our fight is for you a million. If we had more like you, there would be no doubt of the result.” They also offered to reimburse me for my expense but I declined, explaining that in my circulars I stated that I was editing my circulars and circulating them at my own expense. Attorney General U.S. Webb on December 18th wrote me stating, “The results of tomorrow's election cannot this evening be told, but I wish to express to you my appreciation and obligation as a citizen of California for the splendid work that you have done in the advocacy of the Central Valley Project Act. You have rendered herculean service at your own cost, and if the project wins, to you, in a large degree, will be the credit, etc.” Congressman Clarence F. Lea at Washington was on my mailing list and on January 15th wrote, “yours have been the best articles I have read on the subject, etc.” In Tulare County, where there was tremendous interest in the project because of their water difficulties, I had a number of persons on my mailing list and the Campaign Committee wrote, telling me that they were reprinting my circulars and broadcasting them through the mails. Mr. Pat Nowell was the Chairman of this Tulare Committee and the publisher of the local 285 newspaper; when he received my last circular, he sent me a telegram stating, “If you ever want anybody shot, just let me know, thanks.” Tulare County showed its interest by voting 17,535 “for” and only 520 “against”; as for Los Angeles County, as it was to receive no works under the plan, it voted 105,756 “for” and 206,963 “against,” but notwithstanding that fact, the State at large gave a safe vote in favor of the project Act.

At the present writing, it is rather amusing to me, to see many of those who opposed the project are now in favor of it but of course many of them are politicians who “have their ear on the ground.” Their “alibi” now would be that the financial plan at present is so much different; that now there will be no liens of any kind on real estate in the State, which latter was one of their misrepresentations made during the election, the actual fact being, that at that time, the Federal Government proposed to make a “present,” called a “grant” of \$43,606,000 and the balance required, of \$123,319,000 was to be obtained by the sale of “revenue bonds,” the security to be only from the revenue from the sale of water and power and the State Act provided that on the face of

each bond a recital that “neither the payment of the principal, or any part thereof, or any interest, constitutes a debt liability or obligation of the State of California.” The proposed plan of financing was exactly the same as the San Francisco-Oakland Bay Bridge and other similar structures, dams, etc.

As for the Power Company, which was instrumental in having and financing the referendum election, during the election period, they were broadcasting statements that there were already too many power plants in the State; that there would be no demand or market for the power which would be generated at the Kennett Dam, etc. Since then, and within the last year, they are asking permission to build six more power plants to care for the increased demand. Their arguments before the election have turned out to be as unstable as a two legged stool and now they are trying to cripple the future disposal of the proposed power development at the Kennett Dam, by the construction of more new power plants and so seriously interfere with the Water Conservation Plan.

Well, as I write this, the Kennett and Friant Dams are “on their way” for construction, now backed by the Federal Government. Ultimately, as the necessity requires, other dams in various parts of the State will also be constructed, as called for in the general plan and again ultimately, possibly fifty years or more, the entire project will be completed. In the meantime, the Sacramento Valley will enjoy the first benefits from the construction of the Kennett Dam as it will, with its storage capacity of 2,940,000 acre feet of water, give salinity control in the lower reaches of the river; make possible again navigation further upstream, to Red Bluff, as in early days; raise the underground water table in large areas of the valley floor; cheaper power to communities and also, furnish an additional factor of safety in that portion of the flood control project which lies north of the latitude of Knight's Landing.

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CHAPTER CII

Meeting of Hydraulic Miners Association in Marysville

ON APRIL 25, 1936, a rather unprecedented thing occurred. It was a meeting of the California Hydraulic Mining Association in the City of Marysville. The meeting had been arranged by some representatives of the Marysville Merchants Association with the idea of discussing the proposal of having a concrete restraining dam constructed by the Federal Government, about three-quarters of a mile upstream from the Narrows on the Yuba River at Smartsville and obtaining cooperation on the part of the people of Marysville.

The proposed plan contemplated a dam 237 feet in height, to cost about \$3,600,000, the funds to be advanced by the Federal Government, this including an operation cost of \$247,000 for that period of time. It was estimated that the total sum advanced from the Government could be amortized in 20 years by the storage of 118,000,000 cubic yards of debris at a cost of 3.89 cents per cubic yard, bank measurement. The available gravel to be mined was estimated at 536,000,000 cubic yards. The expected gold recovery was estimated to average 19 1/2 cents per cubic yard (this at the new price of gold).

The discussion at the meeting was principally by the members of the Miner's Association present, and while listening to the various speakers and in looking at all those present, I realized that I was the only one present who had taken an active part in the old hydraulic mining controversy, some fifty years ago, all the rest had departed this life. My sense of humor also impressed me with the fact, that if any of those old time anti-hydraulic mining colleagues of mine, were in a position to realize that a meeting of hydraulic miners was actually being held in the City of Marysville and that I was present at such a meeting, that in all probabilities they would "turn over in their graves" in protest. When I was finally called on to give a talk, I reminded those present of those thoughts which I had and then told them, I had prepared a written statement to make to them, so that there would be no misunderstanding afterwards as to what I had said and no misconstruction arise. I then read to them the following statement:

"1. The Judge Lorenzo Sawyer decision of 1884, in the United States Circuit Court, did not declare that hydraulic mining was illegal, but it did state that the dumping of the by-products (debris) from hydraulic mining into the rivers was illegal and that was what the valley interests were contending

for; we never objected to hydraulic mining itself and do not now, but when we observed with much trepidation the filling of the rivers, resulting in immense loss and damage when the rivers overflowed, not only their banks, but also the levees which we were compelled to construct, and observed 287 also, for example, the bed of the Yuba River at Marysville raised 26 vertical feet, we felt we were justified in taking action and the Judge Sawyer decision approved our action.

2. In proof of the above statement that we did not object to the hydraulic process of mining itself, but only to the dumping of debris into the rivers, might I not call attention to the fact, that in 1893, when the Caminetti act was adopted by Congress, placing the control of hydraulic mining and the licensing of hydraulic mining under the control of the California Debris Commission (as it is today), that since that time, 1,163 licenses have been so issued to mine by the hydraulic process and 60 mines are now licensed and in every case, published notice has been given by that commission on each application, giving anyone an opportunity to appear and make any protest, but the valley interests have never in one single case ever appeared to make any protest, we feeling at all times, that the California Debris Commission would be fair to both sides and impartial in their decisions; and remember, that the Caminetti act was a creation of the hydraulic mining interests and not by the valley interests.

3. In view of the above statements, we of the valley, if we are to be consistent, have no right to make any objections to the mining interests to plan for the rehabilitation of hydraulic mining and the attempt to obtain a loan of Federal funds to finance the construction of dams to restrain debris from the rivers, provided:

(a) That any dams so constructed will be substantially built and on plans first approved by State and Federal authorities; also that the dams are to be approved by State and Federal authorities as not in conflict with the State's water conservation plan.

(b) That some plan be made for the perpetual care and maintenance of such dams, because, assuming that the dams were constructed, and in following years the storage area behind them largely filled with debris, mining then cease, the Federal funds loaned having been repaid

and possibly no available income to be had from generation of power to provide for proper maintenance, we would then be placed in the position of always having a very dangerous menace “hanging over our heads,” which would not inspire confidence and would retard development, as an uncared-for dam, largely filled with debris would be a greater menace than an uncared-for dam filled only with water, for reasons which should be obvious to any average layman as well as to any hydraulic engineer.

(c) It must be remembered that the American, Bear and Yuba rivers are torrential streams and attain a great velocity. The Yuba River at the narrows near Smartsville, under the present conditions and with a maximum flow of over 110,000 second feet, attains a bottom velocity of perhaps 14 feet per second. If a dam should be built at or near the narrows to a height of say 220 feet with a crest of about 800 feet, the velocity at the crest would be possibly 10 feet per second, which is sufficient to carry debris of a very coarse nature, so to avoid possible future difficulties, the amount of debris to be stored behind the dam should be controlled within rigidly prescribed limits. I 288 believe that these communities are interested only in the proper and safe restraining of debris, which might have a filling effect on the rivers and are not interested in ‘discolored water,’ but these latter things do occur, even in the mountain area, such as the Kneebone case at Bridgeport, about three years ago, and the P.G. & E. case at Auburn, about a year ago, and which a Federal permit to mine has no control over.”

CHAPTER CIII

If the Hydraulic Mining Debris Dam is Constructed Near Smartsville, Will the Charge for Storage Repay the Government for its Investment and Can the Mines Afford to Pay the Storage Charge

I AM NOT going to attempt to answer the question; I will, however, call attention to an article, printed in the Marysville *Appeal* on January 16, 1884, which article was copied from the Grass Valley *Tidings* and which is as follows:

“That gold in the ground of the old river channels must come out. There is too much of the metal for which all the world is hungry in that ground for idleness to sit on the hills that cover the old

river channels. Water has for the last many years been doing most of the digging up on those old river channels, and water did not eat food or wear clothes. It is said that men will now be put to work in several of the mines in which hydraulic nozzles have been at work, and the men of course will have to be supplied with things that water never used. If this is true the future working of the deep gravel mines will give a better market for food and clothing products, and for transportation, than has been the case for many years. The only question is, will the mines pay when they are worked by human drifters in the place of the tearing-down hydraulic machines? Some of those mines will so pay and some will not. The Derbee drift mine, adjoining the North Bloomfield, has paid. It is said that very much of the North Bloomfield can be drifted with more profit to the owners than could be worked by the hydraulic process. The same of the Milton Company's ground at French Corral. Indeed it is asserted that the North Bloomfield has run behind, during its years of hydraulic workings, in the sum of \$1,700,000 on its water account alone. And so water, it seems, while working cheaply, costs big money to those employing it, and at the same time demands but little of the products of the farm and the factory. Therefore we expect that, as soon as the matter can be fully looked over by the mine owners, there will be many drift enterprises inaugurated in that part of Nevada County that we call the Ridge. The most useless and unprofitable cry one can indulge in is that over split milk. No matter who caused the spill, don't cry, but go to work and milk another cow. Drift the gravel mines."

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Another article, printed in the *Appeal* on January 12th as having been copied from the *Grass Valley Tidings*, was as follows:

"The Blue Tent Hydraulic Mining Company are deeply involved financially and have stopped operations. It is reported that the Blue Tent owes the California Powder Company \$70,000, and is without a dollar to meet the demand. It is said the mine has been sold recently for \$15,000 and purchased by one of the creditors with the expectation that the Powder Company would pay the purchase price and take the mine. But it is understood that the Powder Company has all the claims

against the Blue Tent it wants. This mine is owned by foreign capitalists, who will probably lose a large amount of money in their investment.”

Drift mining, however, has always been largely neglected, but the advance in the price of gold has of late attracted capital to that method of mining.

Under date of September 24, 1937, James D. Stewart, had an article in the Sacramento *Bee* on drift mining and its possibilities. Mr. Stewart's article mentions some past history of drift mines as follows:

“Read the history of the Bald Mountain drift mine in Sierra County, of Harold T. Power's operations of the Hidden Treasure at Sunny South, of Harry Simond's steady stream of dividends from the Morning Star at Iowa Hill, of the fortunes paid to Columbus Waterhouse from the Big Dipper mine at the same place, of the Midas hoard that Ah Tia wooed from Browns Hill near You Bet after white miners had, as they thought, taken the cream, and of the Indiana Hill operation by the writer's father, James Stewart, near Gold Run.

“These are but high spots in profitable drift operations and yet wiseacres and timid souls will say that no more such spots exist.

“The writer believes that fabulous stores of gold still are to be won from California's drift mines if capital will employ competent engineering talent and spend its money in new and unexplored fields instead of listening to Aladdin stories from promoters' lips.

“The expression that California's gold fields have scarcely been scratched is hardly correct. They have been scratched; what is needed is deeper exploration.”

Referring again to the question as to whether the Federal Government will ever receive its money back for the cost of the proposed dam near Smartsville, by charging possibly three or more cents per cubic yard for such storage, (the actual price to depend upon the cost of the dam) then, in my

opinion, even though the Federal Government did not eventually get all its investment back, still the use of Federal funds exclusively would be justified, as I will now attempt to show.

We opposed both the Cloudman and the Seawell Bills because of their proposal to have the State go into “partnership” with a private industry; that if it was logical for the State to build dams so that hydraulic mining could be operated behind such dams, then it was logical for the State to construct buildings to house a hardware business, a dry goods business, a furniture business or a garage business; I mention these four 290 lines of business as there were some “prominent” business men in those lines in Marysville who were favorable to the proposed legislation. Now that this proposed legislation is “dead” and the Federal Government is going to advance all the funds for these dams on an amortization plan, the Federal Government has reasons for so doing which the State did not have, inasmuch as the Federal Government owns the navigable rivers and not the State, and the Federal Government no doubt now realizes that such dams will not only permit of the storage of a controlled amount of new mining debris, but (and this is important), these dams will also hold back from the Federal Government's navigable rivers, a vast amount of very old mining debris in the upper reaches of the rivers and which has gradually been “on its way” to the lower reaches of the rivers and would eventually all reach the navigable rivers in time, but with these dams constructed, great quantities of this old debris will be restrained and impounded, thereby resulting in a saving in annual expense of removing bars and shoals, necessary to maintain navigation. When it is remembered that the California Debris Commission, after a very close investigation stated, that there are “nearly 620,000,000 cubic yards remaining lodged in the river beds and mine dumps in the mountains and in the large deposits built up at the point where the mountain streams enter the valley,” it can readily be seen that the Federal Government has a very direct interest in the construction of these dams for the preservation of navigation on its (not the State's) rivers, particularly as the Federal Government, when advancing the necessary funds, to construct these dams, hopes to have such cost returned under an amortization plan from new debris storage???? (These interrogation marks will be explained in another chapter.)

CHAPTER CIV

My First and Only Law Suit

IN 1915, I had control of about 320 acres of first class bare land situated four miles north of Marysville. At that time viticulture and horticulture were exceedingly profitable and I decided to embark in these lines. Many other business men in Marysville did the same, generally to their regret.

Knowing nothing of the technique, I looked about and finally secured the services of L. J. Fallon. I gave him instructions to use his own judgment and plant about 50 acres of Thompson Seedless grapes and 50 acres of prunes. I will say that he did a first class job, was a good manager and stayed with me until I disposed of the property twelve years later. The place was fully equipped in every way but had required more money than I had estimated for development, so I looked about for additional funds.

We had a mortgage on the Ellis Block in Marysville at that time of \$40,000 and a mortgage on the ranch of \$25,000. Our first crop of raisins sold for 18 1/2c per pound 291 and two years later the first crop of prunes brought excellent prices. I was optimistic and arranged with the Hibernia Savings & Loan Society of San Francisco to refinance us, taking up the outstanding mortgages and accepting a mortgage on our property for \$125,000, with the understanding that we should make a payment each year of \$5000 on the principal until it was reduced to \$100,000 and we need thereafter make no further payments unless agreeable to us. The interest was to be paid monthly, which was entirely acceptable to us, in view of the fact that our gross income from the business property in Marysville was about \$3000 per month.

When production at the ranch reached its peak, prices commenced slowly to decline. The construction of the new Hotel Marysville started an up-town business move; our tenants either moved or demanded lower rents and the big fire in the Ellis Block was demoralizing. The approach of the "great depression" of '29 commenced to be felt but, in the meantime, we had made our annual payments of \$5000 and the interest had been paid promptly each month. We had, in fact, reduced the principal of the mortgage to \$60,000, when one month we failed to meet the monthly interest

payment and I received a letter asking me to come to San Francisco immediately. I did so and arranged to meet the interest payment within two weeks. They then told me that the next time I delayed in the payment "the matter will be placed in the hands of our attorneys." The following month I was again unable to meet the interest payment and received a notice from the Bank's attorneys to come to San Francisco to see them. I decided against this but sent a friend to make them a proposal that if they would "lay off" me for twelve months, in the meantime, I would send them each month all the rents I received from the property, less such items as janitor, gas, lights and water and other bills for upkeep, and that if at the end of twelve months I could not make arrangements to meet the monthly interest payments, I would deed the Ellis Block over to them.

They demurred, but finally agreed. Their representatives came to Marysville, looked over the property and informed me that they would recommend the acceptance of my offer. Nothing was heard from them, but one day in October, 1931, their attorney, George A. Clough, Esq., appeared before the Superior Court of Yuba County, Judge Mahon, presiding, and representing that the Ellis Estate Co. owed the bank \$60,000 balance and some taxes which had been paid by it, and that the bank's interest was suffering, asked the Court to appoint a Receiver. No one appeared to oppose this (as I had not been given any notice) and the bank's request was granted, Mr. C. F. Aaron being appointed as Receiver.

The following day I learned what had happened and, being greatly surprised at this action on the part of the bank, I consulted my attorney, Mr. Richard Belcher, and he commenced proceedings for a hearing before the Court to discharge the Receiver. This was held on November 27, 1931; we had the testimony of three local bankers, the County Assessor and the City Assessor and they agreed that the property was worth 292 at least \$100,000. I. C. Evans, at that time the most prominent builder in the city, had made close estimates of the cost of replacement of the buildings and had deducted for depreciation and obsolescence, testified that the buildings alone without the ground value were worth at least \$100,000. I testified that we carried \$81,000 worth of insurance on the property and that we had paid for the policies and the policies were in the hands of the bank as security.

After this hearing, the Court discharged the Receiver and the bank immediately took an appeal and notified the tenants to pay no attention to the Court order but to continue to pay their rent to the Receiver, which resulted in my collecting approximately half of the rents for about fourteen months, and Mr. Aaron's collecting the other half.

This litigation continued in its various phases until 1936, and went to the higher Courts of the State five times. The decisions are reported as follows:

Hibernia Savings & Loan vs. Superior Court, 126 Cal. App. 397;

Hibernia Savings & Loan vs. The Ellis Estate Co., 216 Cal. App. 280;

Hibernia Savings & Loan vs. The Ellis Estate Co., 132 Cal. App. 408;

Hibernia Savings & Loan vs. Richard Belcher, 4 Cal. (2nd) 270;

Belcher vs. Aaron, 93 Cal. Dec. 90 (not yet permanently bound).

Explaining these actions, during its entire existence the bank had taken mortgages rather than deeds of trust. These mortgages contained a power of sale similar to that contained in a deed of trust. The bank attempted to sell the property under this power of sale and also to carry on at the same time a foreclosure suit with the idea that after the sale under the power, they would be able to obtain a deficiency judgment in the foreclosure suit.

In addition to the above actions, we commenced an action to prohibit the sale under the power of sale in the mortgage and ultimately received an order to that effect, from which the bank did not appeal. We thought this was because of the fact that, according to its own admission, they had forty-five million dollars worth of mortgages containing this power of sale clause, largely in San Francisco and Oakland, and such an injunction would have been extremely embarrassing to it in these mortgages.

As a result of all this litigation the foreclosure sale under judgment was postponed fourteen months, after which I had a year's right of redemption. During the fourteen months, as I have stated, I collected a portion of the rents and at the sale we demanded a sale in parcels, which would enable me to redeem any one or more of the four lots covered by the so-called Ellis Block. Unfortunately I was not able to so redeem any of them at the end of the 12 months. My attorney during all this litigation had done a large amount of legal work and I had only paid him \$200, which was much less than the actual costs, so when the time rolled around for the judgment in the foreclosure suit, I had a meeting of the Directors of the Ellis Estate Company and a formal resolution was passed agreeing to turn over to him for his services all moneys which were collected 293 by the Receiver, while legally or illegally in charge of the property. This amounted to about \$2270. The bank commenced a suit (*Hibernia Savings & Loan vs. Belcher*, *supra*) alleging fraud on the part of the Company and Belcher. This was heard before the Superior Court and Mr. Belcher testified as to the services he had rendered; the Superior Court held that there was no fraud and further that the attorney's services were worth the sum paid by the company to him. The bank appealed from this decision and the Supreme Court held that there was no fraud and the Company was within its rights in making the assignment to reimburse its attorney for his services, in view of the fact that it had no other assets available to reimburse him.

During the five years litigation, The Ellis Estate Company won every suit against it, but for lack of money lost its properties.

I, personally, had the satisfaction of collecting half the rents for fourteen months and established the legal principle that the Estate Company was right, and demonstrating that while the bank had for many years been foreclosing on these mortgages with the unusual power of sale clause in the Bay area, it required a country lawyer in one of the "cow counties" to determine that the Big City Bank with a staff of high-priced attorneys was not as smart as it considered itself to be. These suits were before four Superior Court judges, about six Appellate Court judges and seven Supreme Court judges. The suits attracted widespread attention and my attorney received a number of letters from various parties throughout the State who had lost their properties through foreclosure by the bank

under this unusual sales clause, desiring information as to how a country lawyer had outsmarted the Big City Bank.

I presume to this day, that the Hibernia Bank is under the impression that I received a good portion of the few thousand dollars which was finally turned over to me by Court order. Such is not the case, however, as I turned over to my attorney, Mr. Belcher, the entire sum received in payment for his services, as I had verbally agreed with him to do. I had reached the point where I was not after any money, I just wanted my attorney to give this bank “all that was coming to them” in the shape of litigation, and he certainly did so.

CHAPTER CV

Committee of Five

AFTER the big floods in the Mississippi River in April 1927 it was realized that Congress would be “flood minded,” so I joined with others in the Sacramento Valley in cooperating with the State Reclamation Board to obtain further funds to complete the Sacramento Valley Flood Control project, knowing that Congress would no doubt make liberal contributions to the Mississippi River area and we stood a good chance also to obtain funds for California.

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Major U. S. Grant III under date of January 5, 1925 made a report on the amount of necessary funds which would be required to complete the project; this report was sent to the Chief of Engineers at Washington, further information was forwarded by the State Reclamation Board and the State Engineering Department, the State's Senators and Congressmen were given necessary information and when a huge appropriation was made for the Mississippi, it also carried an appropriation of a million dollars a year for seventeen years, contingent upon the State of California making a like contribution. Credit for this legislation, so important to the State at large and the Sacramento Valley in particular, is mainly due to Senator Hiram W. Johnson and Congressman Curry. Legislation

was introduced in the State Legislature to that effect, it was successful and a contract entered into between the State and the Federal Government for the completion of the Flood Control project.

The Federal Government's interests were to be looked out for by the California Debris Commission, the State's interests were to be looked out for by the State Reclamation Board, while the people's interests were to be looked out for by the State Association of Reclamation Districts. This latter had a large number of Directors, so at a meeting of that Board of Directors, the President Mr. W. T. Spencer was directed to select a committee of five men to represent the Association. Mr. Spencer selected George A. Atherton of Stockton to represent the lower delta region of the river; Mr. J. A. Ashley of Woodland to represent the Yolo Basin area; Mr. Jewell Boggs to represent the Colusa Basin area and George E. Springer of San Francisco to represent Butte and Sutter Basins and Mr. Spencer then asked me to represent the Bear, Yuba, Feather and American basin areas. I told him that I could not do so, that the depression "had got me" and I could no longer afford to give my time, as I had been doing for many years past. Finally he contacted some of the reclamation interests about here; Mr. J. U. Pearson, representing District No. 784 called a meeting at which were present the Directors of District No. 10, No. 9, No. 1, No. 777 and No. 784. The matter was discussed and finally I agreed to take the job when those Districts represented offered to each put up \$25 per month, making a total of \$125 per month to cover my services and expenses. As usual in such cases, some of the Districts paid for a short time, others did not pay and for the next four years, when I put in a lot of time and effort in this matter, I averaged \$28.75 per month, which did not pay my actual expenses; however, I was interested in such work and had continued to serve.

When the money became available for this new work, I immediately made claim that some of the first work performed should be in the lower end of District No. 784, immediately north of Bear River and where an entirely new levee was to be constructed. District No. 784 then was in financial distress and they had to furnish the rights of way for the new levee; I called a meeting at my office of the other Districts on both sides of the Feather River, explaining the importance of having the work commenced on the Feather River immediately and the benefits to be derived and the difficulty 295 District No. 784 would have about furnishing necessary rights of way and the insistence of the Government that all work start downstream first and follow upstream. I recommended that all

the Feather River Districts voluntarily assess themselves \$1763 per acre, same to be paid by the several Board of Levee Directors and so raise about \$20,000 with which to purchase the first rights of way required, it being understood that the Marysville Levee Commission would contribute in a proportional way. This plan was agreed to and in April of 1930, the following sums were paid in:

County of Yuba \$ 500.00

Marysville Levee Commission 3,173.40

District No. 1 of Sutter County 5,289.00

District No. 10 of Yuba County 1,939.30

District No. 9 of Sutter County 2,644.50

District No. 777 of Sutter County 1,090.00

Farm Land Investment Company 1,876.65

Total \$16,512.85

These monies were deposited in the Bank of America to the credit of W. T. Ellis and J. U. Pearson, and we paid same out for the following rights of way:

John and Ameda Frobar \$ 2,744.00

John D. Hutchinson 8,216.35

M. R. Hammon 1,500.00

C. F. Lily 2,488.50

E. M. Hammon 1,564.00

Total \$16,512.85

At the west side of the "Lake of the Woods," there was an old levee break which had never been repaired; to have it repaired, the estimated cost was \$40,000, as the new levee was to be on the east side of the Lake of the Woods and that new levee was to be a much more substantial levee for District No. 784. After considerable negotiations with Mr. Mortimer Fleishhacker, San Francisco banker, and the Directors of District No. 784, it was arranged to have Mr. Fleishhacker advance the monies for the Farm Land Investment Company's right of way properties and also agree to advance the sum of \$40,000, which sum would represent the amount which would have been necessary to be expended, if the old break in the original levee had been repaired by the District itself.

With these matters arranged for, work was commenced on building a section of the new levee and in successive years, more work of raising the balance of the levees on opposite sides of the Feather River, progressed where work was necessary until (at this writing) the Feather River project is approximately 90 per cent complete. Our Committee was very active and we had many problems to solve. On July 14, 1930 the 296 Armour interests appeared on behalf of District No. 1500 and demanded that the levee Districts on the Feather River contribute not only the rights of way but also 25 per cent of the cost of levee construction as well, but when I reminded them that the State had contributed three million dollars to the cost of the Sutter By-pass levees, which was mainly to their District's financial benefit and that the State also had passed a law, permitting the purchase of No. 6 assessment warrants and which were eventually going to reduce their assessments about one-half, further, that when the Feather River project was completed and the escape waters at Hamilton Bend in the Biggs area were shut off, that they were going to have about 35,000 second feet less waters at flood periods against their levee systems, they made no further demand of that character. They then advanced the argument that there would not be sufficient funds to complete the Feather River project and consequently, the escape waters at Hamilton Bend would never be shut off and in this contention, they had the backing of the Deputy State Engineer. I maintained to the contrary and it was then suggested that I demonstrate that there would be sufficient funds, which I agreed to do. This made it necessary for me to go over the entire stretch of levees on the Feather River

on both sides of the river; I took the Government's profiles, divided the levees into sections, made estimates of the cost for repairs for each section and finally with figures demonstrated to my own satisfaction that the work could be performed with the allotted sums. At a later meeting I presented this report, its correctness was questioned, so I suggested that the entire Committee go over the ground and with the Engineers check up on my estimates; they did so and came to the conclusion that my figures were approximately correct; after that, no more attempts were made to force the landowners to contribute 25 per cent of the cost of the Feather River levees.

Our Committee each year would formulate a budget of proposed expenditures at various places and submit same to the Reclamation Board for their approval. One of these budgets was objected to by the Reclamation Board and I was asked to appear before the Board and show some good reason why I was obtaining so much of the available annual monies for the Feather River area which I represented. I had come prepared and demonstrated that the Feather River project was the most important project of the entire plan; that there were nine reclamation districts vitally interested, that these nine districts represented 213,733 acres, the greater portion being more highly improved and more thickly populated than any other portion of the entire project and when floods occurred, there was greater financial loss to that area than any other area of the valley; the Board made no further objections.

Our Committee of Five, had no official standing, it was simply the spokesmen for the landowners and so, accorded the courtesy of making recommendations, which in most instances were acted favorably upon. Our Committee also did very considerable work during sessions of the Legislature, carefully considering any and all legislation affecting reclamation districts. It was a "labor of love" as we received no salaries, 297 although I had been promised and had expected to receive \$125 a month as I have previously stated herein.

My experience has been, that there are so many people, who singly and collectively will take a great interest in some public matter and then, when the real work of "putting it over" commences, will say, "let George do it."

Appreciation is very much like friendship; some years ago I was flattered by a gracious lady who observed, “you seem to have so many real friends.” My ego ballooned with the realization she was right and it struck me at the time how unappreciative most of us are of the deeper meaning of friendship. Later on came the “depression” and I took “a good licking”; this was then followed by a local bank failure in which I had all my funds except about \$75 in my office safe and quite a large sum due my insurance companies, which I was then unable to pay. I was in desperate need of a friend to whom I could turn in a full and revealing confidence. My mind was flooded with names, but out of the turbulent array, I was only able to salvage two who seemed to measure up to the requirements, and they were out of town. I had about come to the conclusion that friendship and appreciation were the greatest illusions in life, when my Secretary, Mrs. Jessie Hafferty, whom I had told I would have to dispense with her services as I was unable to pay her, told me she would work for me for nothing until I could again afford to do so; I still think that was just about the nicest thing that ever happened to me. We then wrote letters to our insurance companies, telling them what had happened and asking what I could do about it. Then another nice thing occurred, they all replied, telling me to continue to send them business and to pay them whenever I could; they never sent me a “dun” although it took me a couple of years to “square accounts” with them.

I had always been an optimist; well, after that experience, I continued to be one and immediately modified my suddenly acquired view, that friendship and appreciation were “the greatest illusions in life.”

CHAPTER CVI

Is the Flood Control Plan Designed to Safely Control Any Floods Which May Occur?

THE answer is, *it does not*. Proof of this statement is the following, quoted from the adopted Flood Control Plan, as follows:

“It is considered advisable, therefore, by this Commission to provide capacity for a flood of the extent and duration of that of March, 1907, or January, 1909, and that provision for anything less

would be not only unwise but unjustifiable.” (See Page 99, paragraph 68, Extract from House Report No. 616.)

In other words, a flood discharge as in 1861-62 was not taken into account, simply 298 because, to have done so, the expense would have been prohibitive. It is quite true, that in the carrying out of that project, some additions have been made at some places, the heights of some levees have been increased somewhat, also some of the weirs were lengthened, over what was originally planned, all of which may have provided a small additional factor of safety, but, on the other hand, on several rivers, in 1928, the estimated discharges of those rivers under the plan, has been quite materially exceeded already.

Neither during the maximum floods of 1907 or 1909, or since then, did the fishermen in San Francisco Bay frequently catch “freshwater fish for from two to three months” after the floods had subsided; neither did the “entire surface of the bay consist of fresh water, to the depth of eighteen to twenty inches”; neither also, “for nearly a fortnight,” was “the stream on the surface continuously flowing towards the Pacific (at the Golden Gate), composed entirely of fresh water, the tide not affecting the surface flow,” and as described in Chapter 62 herein. When is history going to repeat the occurrences of the flood of 1861-62, which all Engineers will admit, had a vastly greater discharge than had the floods of 1907 or 1909? No one can answer that question but some future winter, it will no doubt occur.

While a substantial raise in a river is generally referred to as a “flood,” and I also use the same term, in my own mind, I segregate “floods” as follows;— “freshets,” “floods,” “maximum floods” and “super-maximum floods.” My definition would be as follows:

A “freshet” would be say 50 per cent of a high water mark discharge of a river.

A “flood” would be say 75 per cent of a high water mark discharge of a river.

A “maximum flood” would be one which reaches previous high water marks and which occurs about every twenty years or so.

A “super-maximum flood” is one which occurs about every seventy-five to one hundred years, such as happened seventy-seven years ago in the Sacramento Valley in 1861-62.

Most all large rivers of Europe and Asia have records of such “super-maximum floods” for many centuries past and at such above mentioned long intervals.

In a previous chapter, I have stated that whenever there is a repetition of the 1861-62 floods, that after such a flood has subsided, it will be ascertained that there were two dry spots in the Sacramento Valley and they were Marysville and the Sutter Buttes, and I stand by that statement, *provided* that the same close care and attention is kept in the future, as has been done in the past, to the Marysville levees. From personal observation I believe that improper care and neglect occurs in at least seventy-five per cent of the levee systems in the Valley. It is criminal, how careless and neglectful some Levee Directors are. After the last December flood (1937), I wrote the Reclamation Board, suggesting that some law should be passed giving, either to the State Reclamation Board or the State Engineering Department, general supervision over all levee 299 districts and with authority to have annual inspections made of all levee systems and a report of such findings, criticisms and recommendations, be served on the Levee Directors and also published in some local newspaper, for the information of the public, all this expense to be a charge against each separate levee district. In my opinion, only in this way, can the public be properly acquainted with the neglect of duty of Levee Directors.

Returning to the subject of “super-maximum floods” and flood discharge, the average layman does not realize the magnitude of flood discharge of the Sacramento River and its tributaries. Just as a matter of comparison, the following may be of interest:

Mississippi River has a drainage area of 1,100,000 square miles and a recorded discharge at its mouth of 1,777,000 second feet

Missouri River has a drainage area of 527,000 square miles and a recorded discharge at its mouth of 546,000 second feet

Columbia River has a drainage area of 237,000 square miles and a recorded discharge at its mouth of 1,390,000 second feet

Sacramento River has a drainage area of only 26,000 square miles and a recorded discharge at its mouth in 1907 of 600,000 second feet

It will be seen from the above, that the Sacramento River with about one-ninth the drainage area as has the Columbia River, discharges almost one-half as much water as does the Columbia, and unquestionably the discharge of 600,000 second feet on the Sacramento River in 1907 was vastly exceeded in the winter of 1861-62.

CHAPTER CVII

Yuba County

YUBA COUNTY was founded on February 18, 1850; it was one of the original counties founded and at that time included the present counties of Nevada, Sierra, and a portion of Placer County. The area of the County now is 633 square miles or 405,120 acres and roughly consists of about 150,000 acres of mountains, 150,000 acres of foothills and the remaining 105, 120 acres being valley land, the greater portion of which is very productive soil, farm acreage having about doubled since 1920, at the present time, there being 750 farms, about seventy-five per cent of them being in the valley area.

In the valley area, the average precipitation over a 76 year period has been 18.69 inches, the rainy season being mainly from November to March. The absence of rain during the summer months allows the curing of fruits, hay, etc., to proceed without loss. The average mean temperature in winter is 50.1 degrees and a mean summer temperature of 78.3 degrees; there are times when the thermometer shows a reading higher than 100 degrees, but the dry atmosphere relieves the heated conditions and the combination of ample precipitation in the winter, a warm salubrious climate in the summer, is what “puts the blush on the cheek of the peach and the sugar in the grape.” With this kind of a climate and where the sun shines an average of 335 days in the year and people can work

outdoors every day, health is assured, and in this connection Yuba County claims the lowest death rate in California per 1000.

With the soil and climate, an abundance of water for irrigation is provided, for Yuba County is bordered on the north by Honcut Creek, on the south by Bear River, on the west by Feather River, while the Yuba River and tributaries flow through the center of the County and all these streams offer unfailing sources of water. On farms, using pumps, it is seldom necessary to go as deep as 150 feet to reach an ample water supply. Electric power is in ample supply and some of the irrigation companies furnish water for the season as low as \$1.50 per acre. There are about 700 miles of County roads of which about 150 miles are well surfaced, the balance being mostly unimproved graveled roads, mainly in the mountain area. In addition, there are about 25 miles of State controlled highways, all paved. As for crops, they are diversified, consisting of vineyards, orchards of all kinds, field crops of all kinds, also livestock of all kinds and lumbering.

Yuba County stands forth in a bright light in the summary of business improvement in California which shows that retail sales increased 59.5 per cent in 1935 as compared with the depression bottom of 1933. This figure contrasts with a statewide recovery of 38 per cent. The assessment roll of the County now (1937) is \$19,361,320 as compared with \$15,710,195 five years ago.

Various School Districts in the County have a combined bonded debt of \$245,000 but the County, as a County itself, has no bonded debt and has not had for about forty years. The principal City in the County is Marysville with an assessment roll of \$7,182,030; and it also has no bonded debt. Both the City and the County have a record to be proud of.

According to the United States Census report, Yuba County in 1930 had 548 farms with an average size of 474 acres, but in 1937 the report shows that the number of farms had increased to 750 with an average size of 401 acres.

Yuba County as a gold producer stood first in the State for many years and still commands a leading position. In 1936 it showed a marked increase over 1935, the production being 81,358 fine ounces of gold worth \$2,847,530 this gold being produced by eight lode and sixteen placer

mines. In this same year Yuba County produced 4,468 fine ounces of silver worth \$3,460 the above being the report of the Bureau of Mines and excludes itinerant prospectors, etc. In Yuba County, about seven miles east of Marysville is the largest gold dredger in the world; it cost about \$750,000 and its 301 bucket line digs 120 feet from the surface of the water, which latter is about 15 feet below the natural surface of the ground. During the 33 years of gold dredging in that field a total of twenty-one dredgers have operated, producing about \$75,000,000 in gold and this Company has still proven up ground to operate on which it will take about another 25 years to cover. The area mined and to be mined is about 95 per cent, being land, mainly used for grazing purposes, with very low assesement values.

CHAPTER CVIII

Marysville as a Business Town

YEARS ago, when business men were curious to know how business in their home towm compared with business in some nearby town, the only way to get the answer was to ask travelling men representing various lines of business; they kept their finger on the “business pulse” of various towns which they visited and their judgment was good. Many a time, we have heard such travelling men remark that while orders were scarce or perhaps none to be had, when they got to Marysville, they were always sure of good orders.

Now this is changed and the sales tax collections give the true story, and they are interesting, as the following will show:

Sales tax collections for 1936:

Marysville \$236,850.93

Chico 216,515.31

Woodland 136,842.87

Petaluma 134,478.75

Oroville 101,690.63

Red Bluff 79,417.80

Colusa 77,712.98

Roseville 69,530.57

As for automobile traffic between Marysville and Yuba City, on the bridge crossing the Feather River and connecting the two towns, the following count, taken by representatives of the State Highway Commission, showed as follows:

Sunday, July 12th, 1937 11,189 vehicles

Monday, July 13th, 1937 13,051 vehicles

Saturday, August 22nd, 1937 17,399 vehicles

The above on a count of sixteen hours duration.

Now compare this with a count of twenty-four hours duration on the new San Francisco-Oakland Bay Bridge, which showed the following:

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Average figures for traffice for the months of February, March and April, 1937.

Mondays 20,207 vehicles

Tuesdays 20,205 vehicles

Wednesdays 20,216 vehicles

Thursdays 20,236 vehicles

Fridays 21,978 vehicles

Saturdays 25,834 vehicles

Sundays 35,070 vehicles

CHAPTER CIX

Days of Forty-Nine Celebration

IN FEBRUARY 1930 there was held a “Days of Forty-nine Celebration” by Yuba and Sutter counties, which proved to be a very much more successful event than had at first been expected. For about a week previous to the celebration, scores of people went about the streets all dressed up in regalia such as was customary in 1849, and in this way aroused public interest, so that when the celebration was finally held, almost everyone was dressed in proper typical fashion, the women being particularly attractive in their “hoop-skirts” and tiny bonnets, the men not far behind with their high boots, woolen shirts, sombreros, heavy belts with their “shooting irons” attached. The store windows were almost all given over for the display of old time dresses, mining equipment, gold specimens, assorted firearms, knives, etc., of every description; it was a revelation to me to find that so much rare and valuable material was kept on hand in various homes, etc., and ever since then, there has been agitation for a museum, which I hope will eventually materialize, where all these old time mementoes may be safely kept and the public have an opportunity to view them.

Thousands of people were attracted to the celebration and the parade of old time stage coaches, men on horseback, etc., was several blocks long. On the gutters, near the sidewalks, crowds watched Chinese working sluice boxes on the main street; throngs visited the “Eldorado Saloon” in a large store room on the main street, which was fitted up with a long bar, dance hall, gambling tables of all kinds; the drinks were “real” and so was the gambling “real” as the sales of drinks and the profits from the gambling very materially assisted in paying for the expense of the celebration.

The celebration was certainly a grand success and every one joined in the spirit of recalling, “The days of old, the days of gold and the days of forty-nine.” Marysville that day certainly demonstrated that at heart, she is yet, a real Old California mining town.

DAYS OF '49 CELEBRATION IN MARYSVILLE “THREE GAMBLERS AND A SPANISH SENORITA” DANIEL BRYANT, MRS. ARTHUR CHEIM, W. T. ELLIS AND P. T. SMITH

ELLIS LAKE SITUATED ABOUT THE CENTER OF THE CITY OF MARYSVILLE VIEW LOOKING SOUTH, SHOWING SOUTH HALF OF THE LAKE SPIRES OF ST. JOSEPH'S CHURCH AND THE CONVENT OF NOTRE DAME, IN THE DISTANCE

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CHAPTER CX

Just Some Warnings for the Future

1. The Marysville Levee Commission was created by an Act of the Legislature on March 6, 1876 as a result of the flood experienced by the City in the previous year. I doubt if there is any Commission in the State which has such broad powers as this Commission, particularly as regards the borrowing of money and the levying of taxes, when any necessity should arise; this power has never been abused and it is important that it should always be retained. The Mayor and Council, under its Charter “shall not contract any debt or liability by borrowing money, loaning the credit of the City, or otherwise, which said indebtedness shall at any time either singly or in the aggregate exceed the sum of \$10,000, EXCEPT FOR LEVEE PURPOSES.”

Of course, by a two-thirds vote at an election, a bond issue can be obtained but, when it comes to just plain borrowing, the Mayor and Council are limited to \$10,000 but the Levee Commission, with the consent of the Mayor and Council, has no limit placed upon it.

How does this work? Well take for example 1907 when we had a narrow escape from a flood and it was important that this work of improvement be performed promptly and be finished before winter

set in. The proposed work was estimated to cost about \$80,000. Had we been limited by a levee tax rate, that would have been a calamity except of course we could have submitted a bond issue, which (*IF* it carried) would have been a waste of valuable time. Under our powers, we immediately started work, borrowed the money to pay for the improvements, had the work completed before winter and that same year, levied a levee tax rate of \$3.25 and paid the bill. Two years later, in 1909, we did the same thing.

In 1935, two local individuals, one of whom had a personal animosity towards me, secretly conceived the idea of having the Levee Commission abolished and the management turned over to the Mayor and Council. I “got wise” to the scheme and threatened to expose the plan to the public with the result that the plan was dropped.

SO MY ADVICE AND WARNING IS, NEVER DISCARD THE LEVEE COMMISSION ACT.

2. Members of the City Council change every few years but in the last sixty years, since the beginning of the Levee Commission, there have been exceedingly few changes in the Levee Commission. It has always been an “unwritten law” that the President of the Commission was the active manager and did the real work and in the last sixty years, there have been five such “managers.” Just as long as members of this Commission demonstrate that they are working harmoniously and that at least one or 304 two of them, demonstrate that they are always watchful of the integrity of the levee system, KEEP THEM AND KEEP THE COMMISSION OUT OF POLITICS. The City's levee is the most important and vital thing the City owns; it also is the most costly thing the City owns, representing an expenditure of over one million dollars.

3. The position of Levee Foreman is a most important one. During the 38 years I have been connected with the Levee, we have had just three such Foremen, viz, Michael Long, Frank Smith and Nels Nelson; the two first mentioned stayed in turn until death overtook them; each of them not only felt “he had a job,” but they realized the responsibility resting upon them and cared for the levee as if they owned it themselves; they were dependable and proved their worth and the present Foreman, Nels Nelson is doing the same thing. Right here I want to state, that at times,

when burning the grass from the levees in the Spring (which is important to eradicate gophers) and clearing brush, etc., in the river bottoms between Marysville and Yuba City (which is also important), additional men are employed, but during the entire time I have been connected with the levee, I have never personally hired or recommended a man to the Foreman for a job. I have always held the Foreman responsible and he alone should have the responsibility of hiring and discharging, and knowing this, the hired men properly obey his orders and give value received in labor for their pay and which might be otherwise, if they thought “they had a pull” with the Commission and so be inclined to ignore the Foreman's orders.

4. Every levee cabin on the levee is equipped with shovels, sacks, twine, etc., also a telephone; about the first of every November, every phone is tested to ascertain if it is in order. At Second and Willow Streets, there is a small iron warehouse in which is kept a large quantity of sacks, shovels, lanterns and other equipment and every November, every lantern is filled with coal oil; everything is ready for instant use. These may sound like little things, but as it is important for a fire department to be alert and use speed in reaching a fire, just so should the levee's equipment be ready for instant use, when required.

5. When floods occur, railroad companies and other levee directors (not so prepared), frequently request the “loan” of such equipment; ALWAYS REFUSE THEM, KEEP YOURSELF PREPARED; being prepared, saved the City a disaster in 1907.

“Eternal vigilance is the price of safety.”

CHAPTER CXI

Keeping Cool and How to Grow Old Gracefully

I PRESUME that this is a debatable subject with almost every one; should anyone happen to peruse this, I have him or her at a disadvantage, because I will not be present to get the other party's views.

As for keeping cool, there is one thing I never do and that is, I never look at a thermometer in the summer time, because if I do, the darned thing is usually about ten degrees higher than I think the temperature is, and I at once proceed to feel just ten degrees warmer. I guess in the hot summer time, I am more or less a Christian Scientist; I “deny” the heat and endeavor to think nothing about it and keep my mind on other things.

Most doctors will tell you that feeling well in summer is largely associated with the innumerable chemical and physical reactions taking place in body cells. Each of us has a regulating apparatus which makes adjustments to varying degrees of temperature, but of course we are not all alike and our friend of the unwilted collar may be fortunate enough to have a mechanism more perfectly adapted to extremes of heat than yours, but don't give up in despair. When the heat waves shimmer from hot asphalt streets or dusty roads and hot buildings, try and keep mentally cool; don't fret and fuss and watch that old thermometer and keep saying to others, “gosh but it's hot and I can hardly stand it”; you not only make yourself miserable but everyone around you as well. Just don't work too hard, keep your mind occupied on other things and get plenty of diversion and drink lots of water and if you perspire quite freely, take a little salt in your water, it's a cure for heat prostration which the doctors call the “Boulder Dam treatment” as a result of experiments conducted when that dam was under construction and where the heat was quite intense. Above all, however, watch your diet; much more food is required in the winter to generate heat and keep the body at the right temperature, but in summer, your body's furnace retains the proper temperature with less fuel; if you, however, insist upon as much food in summer as in winter, you will pay with discomfort, if not something worse. A great many women, in very recent years, have also found a way to assist in solving the problem with a scarcity of clothes, both sensible and even to some of us old fellows, attractive, but as for the men, well they haven't had the temerity (as yet) of doing likewise, and they very likely never will because the average man has bandy legs, and he knows it. Medical science, according to one of our leading authorities, divides the life span into six stages—infancy to three years; childhood, to twelve; adolescence, to twenty; maturity, to fifty; middle age, to sixty-five and senility, from sixty-five on. Well, personally, I do not agree or admit that senility begins at 65; there

are usually exceptions to every rule and I claim an exception and maintain that “a man is as old as he feels,” still holds good.

And now, as to “growing old gracefully,” this is my formula:

1. Never worry, and don't take your business problems home with you.
2. Don't permit yourself to get excited.
3. Maintain a good sense of humor. I have had many controversies; generally the other fellow got peeved or mad; I never did.
4. Be an optimist and when it comes to being an optimist, I have always maintained that the only difference between an optimist and a pessimist is just one cocktail, and as I have always made it a practice to have at least one cocktail every day—presto—I am always optimistic. Mark Twain's definition of a pessimist, was a fellow, “who, as between the choice of two evils, chose both of them”; well, I never have had much use for a confirmed pessimist.

Advice is cheap and free, but all the above has been my practice and experience and it has worked out fine with me—try it.

CHAPTER CXII

Conclusion

IT HAS been said that there are three kinds of people in the world; the “Wills,” the “Won'ts” and the “Can'ts”; the first accomplish most everything, the second oppose everything and the third fail in everything. I have always endeavored to be in the “Wills” class; I have always tried to be a “doer,” and as a result, I have had many a clash with the “Won'ts” and the “Can'ts” and at times, I have been more than surprised when I found good substantial citizens arrayed in those two classes; apparently some people have a lack of vision and others, who may have good judgment in their own business affairs, seem to lack similar good judgment in public affairs. They are outspoken in

their criticisms as private citizens, but let them be elected or appointed to some public position, they immediately become timid and lose their nerve and aggressiveness; that has always been an unsolved conundrum to me. The resultant “clashes” I have had with the “Won'ts” and the “Can'ts,” have been at times hard fought battles. I have never “pulled my punches” and at times, I have tread on sensitive toes, but I have always endeavored to speak the truth and let the punctured egos fall where they may, always viewing with particular impatience, those who have attempted to make the public think they are, what I know they are not. (How little we know of the unseen man; I mean the real man behind the mask and the form of the man we see.)

In reviewing these many past years, it is naturally a source of considerable satisfaction to feel that in all the “major engagements,” I have been not only successful but that time has not demonstrated any errors of judgment. (To the reader, this may be considered “bragging”; well, so be it, nevertheless, it is the truth.) I might account for these results by saying, that I have never advanced any plan or any policy until I had first investigated and studied it from every angle in an effort to discover any possible flaws or errors of judgment; once having made up my mind that I was correct, then I would adopt Davie Crockett's advice of “Be sure you are right, then go ahead.” That many times meant a “contest” and the harder the fight, the more I have enjoyed it. Possibly this view of the matter was the result of my having been born on St. Patrick's Day, which perhaps put some “Irish” in my blood and there is an old saying that “every good Irishman loves a fight”; many times the other fellow got mad; well, 307 I never did; to me, “it was just another horse race.” As Mayor, Levee Commissioner, member of the State Reclamation Board and County Supervisor, I have often been accused of trying to “run things” and be “the boss,” all of which was in every case an impossibility as in every one of these positions, I have had other members to deal with and my one vote would never count, if the other members were against me and, without their votes, my efforts would have been as futile as a ball player's argument with the umpire.

I admit that I have been more or less a “lone wolf,” never having learned the art of men's companionship, much preferring to work out my problems alone. No one ever heard of me requesting assistance of committees to endorse or back up any of my plans. In all the years I have been practically in sole charge of the Marysville levees, I have never asked for or received any

outside expert advice as to how or where or when to do some job to checkmate some new problem advanced from time to time by “Old Man River,” and there have been lots of them. Whenever the rivers presented a new “crossword puzzle” to be solved, it was my job to solve it and it was very satisfactory to me that no one seemed to have any desire to “horn in” on my fun.

When floods have occurred in the past, some people would get very excited, some would get just nervous, some would disclose some curiosity, but I guess that I have always been the only one in Marysville who would anticipate the coming of a flood with pleasure; what is the use of having a levee which you have worked on if you do not have a chance occasionally to ascertain whether your works of improvement have satisfactorily “out guessed” the old river's tricks and antics? On several occasions, when a good flood was anticipated and perhaps a cold night and sudden cessation of a storm, resulted in only a minor freshet, I have oft-times been “kidded” by my employees for my look of disappointment.

For many years, I was engaged in the mercantile business but that never hindered me from taking part in community affairs, holding public office and keeping in touch with the day's events, with new discoveries and the world's exciting trends. Doing such things possibly makes one more or less versatile and the mental effects of versatility are as important as the economic. A man who knows that he can do say five tasks and has done so repeatedly, even if only for fun or by way of exercise, surely feels more secure when he loses the chance to earn a living at one of the five; that was the way I felt, when one bank, during the depression deliberately “broke” me, this being followed with a like experience shortly after, when another bank, unintentionally also “broke” me, when I was just commencing to “get on my feet” again. I immediately set about earning a living “at the other three.”

I pity the fellow who does only one thing well; out of a job, he is just another lost soul. There are some who cherish the false notion that there is only one sunrise in each career—well, they just don't “use their heads.” Unfortunately, there are a lot of people who live on “Easy Street” who never did anything to get a location there.

I have often been told that I was a “darned fool” to give so much time to public affairs; well, perhaps I have been a “darned fool”; perhaps I have given possibly twenty-five per cent of my time to such matters; perhaps I would be very much better off financially if I had given this outside time and effort to my own personal affairs, but, what I have been, is more important than what I have. There is one thing which the other fellow does not perhaps realize or cannot understand, and that is, the pleasure, the entertainment and actual relaxation from other things, which has been mine. I believe, that if I had my life to live all over again, I would again be a “darned fool” and do the very same thing over again; I have no regrets. “The thing that counts when the night is near, When the long, long race is run, Is a conscience clear, and devoid of fear, And a sense of duty done.”